
A C T S
O F
A S S E M B L Y,

Now in Force, in

V I R G I N I A.

Occasioned by the Repeal of fundry Acts made
in the Twenty Second Year of his Majesty's
Reign, and in the Year of our Lord 1748.

C H A P. XXIII.

A. D. 1705.

*An Act declaring the Negroe, Mulatto, and Indian Slaves, within
this Dominion, to be Real Estate.*

I. **F**OR the better Settling, and Preservation of Estates, within this
Dominion,

II. *BE it Enacted, by the Governor, Council, and Burgeses, of
this present General Assembly, and it is hereby Enacted, by the Authority of the
same, That from and after the Passing of this Act, all Negroe, Mulatto, and
Indian Slaves, in all Courts of Judicature, and other Places, within this Do-
minion, shall be held, taken, and adjudged, to be Real Estate (and not Chat-
tels;) and shall descend unto the Heirs and Widows of Persons departing this
Life, according to the Manner and Custom of Land of Inheritance, held in
Fee Simple.*

*After the pas-
sing this Act,
all Negroe,
Mulatto, and
Indian Slaves,
shall be ad-
judged and de-
scend as Real
Estate held in
Fee Simple.*

III. *PROVIDED* always, That nothing in this Act contained, shall be
taken to extend to any Merchant, or Factor bringing any Slaves into this Domi-
nion, or having any Consignments thereof, unto them, for Sale: But that such
Slaves, whilst they remain, unfold in the Possession of such Merchant, or
Factor, or of their Executors, Administrators, or Assigns, shall, to all Intents
and Purposes, be taken, held, and judged, to be Personal Estate, in the same
Condition they should have been in, if this Act had never been made.

*But this Act
shall not ex-
tend to Mer-
chants or Fac-
tors importing
Slaves for
Sale.*

IV. *PROVIDED* also, That all such Slaves shall be liable to the Payment
of Debts, and may be taken by Execution, for that End, as other Chattels or
Personal Estate may be.

*Slaves liable
to Payment of
Debts,*

V. *PRO-*

A. D. 1705.

But not to
Escheat.

V. *PROVIDED* also, That no such Slaves shall be liable to be escheated, by reason of the Decease of the Proprietor of the same, without lawful Heirs : But all such Slaves shall, in that Case, be accounted and go as Chattels, and other Estate Personal.

Sale, &c. of
Slaves need
not be record-
ed.

VI. *PROVIDED* also, That no Person, selling or alienating any such Slave, shall be obliged to cause such Sale or Alienation to be recorded, as is required by Law to be done; upon the Alienation of other Real Estate : But that the said Sale or Alienation may be made in the same Manner as might have been done before the making of this Act.

Possession of
Slaves shall
not give the
Owner a Vote
in Election of
Burgesses.

VII. *PROVIDED* also, That this Act or any Thing therein contained, shall not extend, nor be construed to extend, to give any Person, being Owner of any Slave or Slaves, and not seized of other Real Estate, the Right or Privilege as a Freeholder, meant, mentioned, and intended, by one Act of this present Session of Assembly, intituled, *An Act for Regulating the Elections of Burgesses, for Settling their Privileges, and for Ascertaining their Allowances.*

Slaves reco-
verable by Ac-
tion Personal.

VIII. *PROVIDED* also, That it shall and may be lawful for any Person, to sue for, and recover, any Slave, or Damage, for the Detainer, Trover, or Conversion thereof, by Action Personal, as might have been done if this Act had never been made.

But Writs of
Partition or
Dower may
also be prose-
cuted.

IX. *PROVIDED* always, That where the Nature of the Case shall require it, any Writ *De Partitione facienda*, or of Dower, may be sued forth, and prosecuted, to recover the Right and Possession of any such Slave or Slaves.

Slaves of
Persons dying
Intestate, af-
ter the Wi-
dow's Dower
set apart, shall
be appraised,
and the Value
equally divi-
ded among all
the Children,
to be paid by
the Heir.

X. *PROVIDED*, and be it Enacted, That when any Person dies intestate, leaving several Children, in that Case, all the Slaves of such Person, (except the Widow's Dower, which is to be first set apart) shall be inventoried and appraised; and the Value thereof shall be equally divided amongst all the said Children; and the several Proportions, according to such Valuation and Appraisement, shall be paid by the Heir (to whom the said Slaves shall descend, by Virtue of this Act) unto all and every the other said Children. And thereupon, it shall and may be lawful, for the said other Children, and every of them and their Executors or Administrators, as the Case shall be, to commence and prosecute an Action upon the Case, at the Common Law, against such Heir, his Heirs, Executors and Administrators, for the Recovery of their said several Proportions, respectively.

Widow sei-
sed of Slaves
in Right of
Dower, and
transporting
any of them
out of this
Colony, with-
out Consent of
the Heir, for-
feits all her
Dower. And
if the Husband
of such Wi-
dow shall so
transport any
Slave, the Heir
in Reversion
may enter,
and hold the
Wife's Dower
during such
Husband's
Life.

XI. *AND* be it further Enacted, by the Authority aforesaid, That if any Widow, seized of any such Slave or Slaves, as aforesaid, as of the Dower of her Husband, shall send or voluntarily permit to be sent, out of this Colony and Dominion, such Slave or Slaves, or any of their Increase, without the lawful Consent of him or her in Reversion, such Widow shall forfeit all and every such Slave or Slaves, and all other the Dower which she holds of the Endowment of her Husband's Estate, unto the Person or Persons that shall have the Reversion thereof; any Law, Usage, or Custom, to the contrary, notwithstanding. And if any Widow seized as aforesaid, shall be married to an Husband, who shall send, or voluntarily permit to be sent, out of this Colony and Dominion, any such Slave or Slaves, or any of their Increase, without the Consent of him or her in Reversion; in such Case, it shall be lawful for him or her in Reversion, to enter into, possess, and enjoy, all the Estate which such Husband holdeth, in Right of his Wife's Dower, for and during the Life of the said Husband.

The following are the 22d and 23d Clauses of Chap. iv. made in the First Year of the Reign of King George the Second, 1723.

A. D. 1723.

XXII. *AND be it further Enacted, by the Authority aforesaid, That where any Female Mulatto, or Indian, by Law obliged to serve 'til the Age of Thirty or Thirty One Years, shall, during the Time of her Servitude, have any Child born of her Body, every such Child shall serve the Master or Mistress of such Mulatto or Indian, until it shall attain the same Age the Mother of such Child was obliged by Law to serve unto.*

Children of Female Mulattos or Indians, born in Time of Servitude, shall serve to the Age of 30 or 31 Years, &c.

XXIII. *AND be it further Enacted, by the Authority aforesaid, and it is hereby Enacted and Declared, That no Free Negroe, Mulatto, or Indian whatsoever, shall hereafter have any Vote at the Election of Burgeses, or any other Election whatsoever.*

Free Negroes, Mulattos, and Indians, disabled from voting at Elections.

C H A P. XI.

A. D. 1727.

An Act to explain and amend the Act, For declaring the Negroe, Mulatto, and Indian Slaves, within this Dominion, to be Real Estate; and Part of one other Act, intituled, An Act for the Distribution of Intestates Estates, declaring Widows Rights to their deceased Husbands Estates; and for securing Orphans Estates.

I. **W**HEREAS the Act, made in the Fourth Year of the Reign of the late Queen Anne, *Declaring the Negroe, Mulatto, and Indian Slaves, within this Dominion, to be Real Estate*, hath been found by Experience very beneficial for the Preservation and Improvement of Estates in this Colony, yet many Mischiefs have arisen, from the various Constructions, and contrary Judgments and Opinions, which have been made and given thereupon, whereby many People have been involved in Law Suits and Controversies, which are still like to increase: For Remedy whereof, and to the End, the said Act may be fully and clearly explained and amended,

Preamble.
Ch. 23. 1704.

II. *BE it Enacted by the Lieutenant-Governor, Council, and Burgeses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same, That the said Act shall hereafter be construed, and the true Intent and Meaning thereof, is hereby declared to be, in the several Cases herein after mentioned, as the same is herein after expressed and declared, and not otherwise: That is to say,*

The Act 4 Anna, Ch. 23. to be construed, as herein after expressed, viz.

III. *WHENEVER any Person shall, by Bargain and Sale, or Gift, either with or without Deed, or by his last Will and Testament in Writing, or by any Nuncupative Will, bargain, sell, give, dispose, or bequeath, any Slave or Slaves; such Bargain, Sale, Gift, or Bequest, shall transfer the absolute Property of such Slave or Slaves to such Person or Persons to whom the same shall be so sold, given, or bequeathed, in the same Manner as if such Slave or Slaves were a Chattel: And no Remainder of any Slave or Slaves shall or may be limited by any Deed, or the last Will and Testament in Writing, of any Person whatsoever, otherwise than the Remainder of a Chattel Personal, by the Rules of the Common Law, can or may be limited, except in the Manner herein after mentioned and directed.*

Property of Slaves sold, given, or bequeathed, as if such Slaves were a Chattel.

Remainder of any Slave shall not be limited, otherwise than the Remainder of a Chattel, except as herein after mentioned.

IV. *AND that where any Slave or Slaves have been or shall be conveyed, given, or bequeathed, or have or shall descend to any Feme Covert, the absolute*

Slaves conveyed, &c. or descending to

A. D. 1727.

any Feme Co-
vert, vested in
the Husband.

lute Right, Property, and Interest of such Slave or Slaves is hereby vested, and shall accrue to, and be vested in the Husband of such Feme Covert. And that where any Feme Sole, is or shall be possessed of any Slave or Slaves, as of her own proper Slave or Slaves, the same shall accrue to, and be absolutely vested in the Husband of such Feme, when she shall marry.

Infants above
the Age of 18
Years, may be-
queath Slaves
by Will in
Writing.

V. AND that any Infant, above the Age of Eighteen Years, by his or her last Will and Testament in Writing, may dispose and bequeath the absolute Right, Property, and Interest, of any Slave or Slaves whereof he or she shall be possessed.

Slaves not li-
able to other
Forfeiture,
than Lands
are subject to.

VI. AND that no Slave or Slaves whatsoever shall be forfeited, except in such Cases where the Lands and Tenements of the Person incurring the Forfeiture, is, should, or might, be forfeited.

Executors,
&c. shall not
sell Slaves, ex-
cept for Pay-
ment of Debts.

And where
the Personal
Estate of the
Testator, &c.
falls short.

VII. AND that no Executor or Administrator hath or shall have any Power to sell or dispose of any Slave or Slaves of his Testator or Intestate, except for the paying and satisfying the just Debts of such Testator or Intestate, and then only, where there is not sufficient of the Personal Estate of such Testator or Intestate, to satisfy and pay such Debts; and in that Case, it shall and may be lawful for the Executor or Administrator, to sell and dispose of such Slave or Slaves, as shall be sufficient to raise so much Money as the Personal Estate falls short of the Payment of the Debts.

Mother dying
Intestate, and
leaving Slaves,
other than of
her Dower,
the Heir shall
pay a Propor-
tion to the
younger Chil-
dren.

VIII. AND that when a Mother shall die Intestate, leaving one or more Slave or Slaves, other than the Slave or Slaves which she holds as of her Dower, the Heir at Law shall be accountable to the younger Children for their Proportions of the Value of such Slave or Slaves, in the same Manner as he should or might be accountable, in Case of a Father's dying and leaving such Slaves.

Property of
Slaves hereto-
fore adjudged
by any Court,
confirmed by
this Act.

IX. *PROVIDED* always, That nothing in this Act contained, shall be construed to change or alter the Property of any Slave or Slaves, which, by the Judgment of the General Court, or any County Court, have been heretofore adjudged to belong to any Person or Persons whatsoever, but such Judgment shall remain, and for ever hereafter shall be deemed and taken to be valid and binding.

And also Re-
mainder of
Slaves hereto-
fore limited.

X. *PROVIDED* also, That where any Person hath heretofore, by Deed executed in his Life Time, or by his last Will and Testament in Writing, disposed of any Slave or Slaves for the Life or Lives of any Person or Persons whatsoever, and hath thereupon limited any Remainder, such Remainder shall be good and effectual in Law, to transfer the absolute Property of such Slave or Slaves to the Person or Persons to whom such Remainder hath been limited, and no otherwise.

For settling
Slaves, &c. to
descend with
Lands & Te-
nements.

XI. AND whereas, the true Design of the said Act, and the Policy thereof, was and is, to preserve Slaves for the Use and Benefit of such Persons to whom Lands and Tenements shall descend, be given, or devised, for the better Improvement of the same; which cannot be done, according to the Custom and Method of improving Estates in this Colony, without Slaves; and therefore it may be very advantageous to Estates, to establish a Method for settling Slaves, and their Increase, so as they may go and descend with Lands and Tenements: To which End,

Any Persons
may, by Deed
or Will, settle
Slaves, and
their Increase,
to Estates and
Tenements.

XII. *BE* further Enacted, by the Authority aforesaid, That it shall and may be lawful for any Person or Persons whatsoever, by Deed executed in his or their Life Times, or by his or their Last Will and Testament, wherein any Lands and Tenements shall hereafter be settled, conveyed, or devised, in Fee Tail, or for any Lives, to settle, convey, or devise, any Slave or Slaves; and in such Deed or Will, to declare that such Slave or Slaves, and their Increase, so long

long as any of them shall be living; shall descend, pass, and go, as Part of the Freehold to such Person or Persons to whom such Lands and Tenements shall be so conveyed or devised, and to whom the same shall from Time to Time descend and come; and such Declaration shall be good and effectual in Law, to annex such Slave or Slaves to the Freehold and Inheritance of such Lands and Tenements, and they, and their Increase, so long as any of them shall be living, shall descend, pass, and go, in Possession, Reversion, and Remainder, with such Lands and Tenements: Or where any Person shall, by his Deed executed in his Life Time, or by his Last Will and Testament in Writing, settle, convey, or devise, any Lands and Tenements in Fee Tail, or for Life or Lives; and shall, in the same Deed or Will, settle, convey, or devise, any Slave or Slaves, with the same Limitation or Limitations with which such Lands and Tenements shall be so settled, conveyed, and devised, such Limitation or Limitations shall amount to a Declaration of the Intent of the Party settling, conveying, or devising the same, that the same should be annexed to such Lands and Tenements, and shall descend, pass, and go therewith, from Time to Time, as aforesaid.

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And Slaves so annexed, shall go in Possession, Reversion, and Remainder, with the Lands, &c. Slaves settled, &c. with the same Limitations, and in the same Deed, &c. with Lands, &c. shall be annexed to, and go with such Lands, &c.

XIII. AND where any Person or Persons now are, or hereafter shall be, seised of Lands or Tenements in Fee Tail, it shall and may be lawful for such Person or Persons, by Deed executed in his or their Life Times, or by his or their Last Will and Testament, to annex to the same Lands and Tenements, all or any Slave or Slaves which such Tenant in Tail shall, during such his Estate, purchase, acquire, or be possessed of; and to declare, that such Slave or Slaves, and their Increase, so long as any of them shall be living, shall descend, pass and go in Possession, Reversion, or Remainder, as Part of the Freehold, under the like Limitation or Limitations with which such Lands and Tenements are or have been settled, conveyed, or devised: And such Declaration shall be as effectual to annex the said Slave or Slaves, and their Increase, to such Lands and Tenements, as if the same had been settled, conveyed, or devised, by the same Deed or Will, whereby the Estate in the said Lands and Tenements was at first made and created.

Tenant in Tail may annex Slaves to his Estate, which shall descend, under the like Limitation, as if such Settlement had been made, when the Estate was first created.

XIV. BUT forasmuch as the greatest Part of the visible Estates of the Inhabitants of this Colony, doth generally consist of Slaves, and it may happen in future Time, after several Descents of Slaves so annexed to Lands, as aforesaid, that many People may not be acquainted with such Settlements, and so Creditors may be deceived and hindered of the Recovery of just Debts: And moreover, to bind the Property of Slaves, so as they may not be liable to the Payment of Debts, must lessen, and in Process of Time, may destroy the Credit of the Country,

XV. IT is hereby Provided and Enacted, That notwithstanding any Slave or Slaves shall be annexed, as aforesaid, to any Lands and Tenements settled, conveyed, or devised in Fee Tail in Possession or Remainder, as aforesaid, such Slave or Slaves, or their Increase, shall be liable to be taken in Execution, and sold for the satisfying and paying the just Debts of the Tenant in Tail, for the Time being. And such Sale shall be good and effectual against him or her, and his or her Issue, and all other Persons whatsoever; claiming under such Settlement.

Slaves annexed, &c. liable to be taken in Execution, and sold for Payment of Debts of the Tenant in Possession. Such Sale good against the Heir.

XVI. PROVIDED nevertheless, That if any Person shall be hereafter possessed of any Slave or Slaves, in Right of his Wife, which shall be so annexed to Lands, as aforesaid, such Slave or Slaves shall not be liable to be taken in Execution, or sold for the satisfying any Debt of such Husband, so as to bar the Wife of any Right which she may claim under any Settlement, made in Pursuance of this Act, after his Death.

Proviso, Slaves annexed, &c. belonging to the Wife, not liable for Debts of her Husband.

XVII. AND whereas it is by the said Act provided, That Writs of Dower and Partition may be brought and maintained for recovering Dower, or making

Writs of Dower and Partition.

Partition

A. D. 1727. Partition of Slaves, as the Case may be; and the Process and Proceedings in those Writs are not well adapted to the Circumstances of living Things, and are very tedious and difficult.

Dower or Partition may be demanded by Bill in Equity.

Court to compel the Defendant to answer, notwithstanding Non-age; and to decree the Assignment of such Dower or Partition.

XVIII. *BE it further Enacted, by the Authority aforesaid,* That where any Person or Persons, have or shall have, a Right to demand Dower, or have Partition of any Slave or Slaves, such Person or Persons shall and may exhibit a Bill of Equity for that Purpose, against the Person or Persons of whom the same may be demanded: And the Court before whom such Bill shall be exhibited, shall compel the Defendant or Defendants to answer, and shall and may proceed upon such Bill and Answer, altho' the Defendant or Defendants, or any of them be under the Age of Twenty One Years, according to the Course and Rules of Equity; and shall and may make such Decree for the Assignment of such Dower, or making such Partition, in such Manner as shall be most agreeable to Equity: And such Assignment of Dower or Partition, shall be as effectual, as in the ordinary Methods of the Common Law.

Younger Children may exhibit a Bill in Equity against the Heir at Law, for their Proportion of any Slaves.

Court to decree Relief against such Heir, altho' under Age.

XIX. *AND be it further Enacted, by the Authority aforesaid,* That where it shall be necessary for the younger Child or Children of any Person whatsoever, to bring any Suit against the Heir at Law, for recovering his or their Proportion of the Value of any Slave or Slaves, pursuant to the said Act, instead of an Action upon the Case, such Child or Children shall and may exhibit his or their Bill in a Court of Equity, for recovering such Proportion: And the Court before whom such Bill shall be exhibited, shall and may proceed upon the Bill, and the Answer of the Defendant, altho' he shall be under the Age of Twenty One Years; and give such Relief for the Recovering and Compelling the Payment of such Proportion of the true Value of such Slave or Slaves, as shall be agreeable to the Rules of Equity; any Thing in the said Act contained to the contrary thereof, in any wise, notwithstanding.

Recital of Part of Chap. 34. 1705.

Widows not satisfied with the Provision made for them by their Husbands Will, may within 9 Months after the Husband's Death, in Court, or by Deed, renounce their Legacies, &c. and may demand Dower of the Slaves, & shall enjoy them during her Life; and shall have such Share of the Personal Estate, as is given by

XX. *AND* whereas, by Part of one other Act, made in the Fourth Year of the Reign of the said late Queen Anne, intituled, *An Act for the Distribution of Intestates Estates; declaring Widows Rights to their deceased Husbands Estates, and for securing Orphans Estates,* it is provided, That no Person, by his last Will and Testament, may give a less Share or Proportion of his Estate, than is therein directed; and that any Will, made contrary to that Act, may be set aside, for so much upon the Petition of the Wife. And forasmuch as it is doubted, whether that Part of the said Act hath any Relation to the Disposition of Slaves, and what Right a Widow hath to the Slaves of her deceased Husband, in Case of his dying Testate; To the End, all Doubts and Questions thereupon may be removed, and a better Method may be settled for Women to recover their Rights, than by Petition to set aside the Will,

XXI. *BE it further Declared and Enacted, by the Authority aforesaid,* That when any Widow shall not be satisfied with the Provision made for her by her Husband's Will, it shall and may be lawful for such Widow, within Nine Months after her Husband's Death, before the Court where such Will shall be proved, or by Deed executed in the Presence of Two or more Witnesses, to declare, That she will not accept, receive, or take the Legacy or Legacies to her given and bequeathed, or any Part thereof, and will renounce all Benefit or Advantage which she might claim by such last Will: And after such Declaration, to demand and recover her Dower of all the Slaves whereof her Husband died possessed; which she shall enjoy during her natural Life: And after her Death, or other Determination of that Estate, the same shall go to the Person or Persons in whom the Property thereof would have vested, in Case the Dower had not been demanded: And moreover, such Widow shall have such Share of the Personal Estate of her Husband, as by the said Act is directed. But if such Declaration be not made within the Time before limited, she shall be for ever barr'd to claim any other Part of her Husband's Estate, than shall be given or bequeathed by such last Will.

4. Chap. 34. If such Declaration be not made within the Time limited she shall be barr'd to renounce the Will.

C H A P. VI.

A. D. 1732.

An Act to make the Stealing of Slaves, Felony, without Benefit of Clergy.

I. **W**HEREAS divers wicked and evil-disposed Persons, intending the Ruin and Impoverishing of their Fellow Subjects, have devised, and of late Times frequently practised, in several Parts of this Colony, unlawful and wicked Courses, in secretly taking and carrying away sundry Negroe, Mulatto, and Indian Slaves, and conveying them out of this Dominion, or into Places remote or unknown to the Owners of such Slaves, to the insupportable Wrong and Damage of many of His Majesty's good Subjects : For Prevention whereof,

Preamble.

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgeses of this present General Assembly, and it is hereby Enacted and Declared, by the Authority of the same, That if any Person or Persons, from and after the Passing of this Act, shall steal any Negroe, Mulatto, or Indian Slaves whatsoever, out of, or from the Possession of the Owner or Overseer of such Slave, the Person or Persons so offending, shall be, and are hereby declared to be Felons; and shall suffer Death, without Benefit of Clergy.*

Stealing Slaves, Felony, without Benefit of Clergy.

C H A P. XXXIII.

A. D. 1705.

An Act for the Distribution of Intestates Estates, declaring Widows Rights to their deceased Husbands Estates; and for securing Orphans Estates.

I. **F**OR the more equal Distribution of the Estates of Persons dying Intestate,

II. *BE it Enacted, by the Governor, Council, and Burgeses of this present General Assembly, and it is hereby Enacted, by the Authority of the same, That after Debts, Funerals, and just Expences of every Sort, first paid and allowed, the Surplusage of all and singular the Goods, Chattels, and Personal Estate of every Person dying Intestate, shall be distributed amongst the Wife and Children, or Childrens Children, if any such be, or otherwise, to the next of Kin to the dead Person, in equal Degree, or legally representing their Stocks, pro suo cuique Jure, according to the Laws in such Cases, and the Rules and Limitations herein after set down; that is to say, One Third Part of the said Surplusage to the Wife of the Intestate, and all the Residue, by equal Portions, to and amongst the Children of such Persons dying Intestate, and such Persons as legally represent such Children, in Case any of the said Children be then dead, other than such Child or Children, (not being Heir at Law) who shall have any Estate by the Settlement of the Intestate, or shall be advanced by the Intestate, in his Life Time, by Portion or Portions, equal to the Share which shall, by such Distribution, be allotted to the other Children, to whom such Distribution is to be made : And in case any Child (other than the Heir at Law) shall have any Estate by Settlement from the Intestate, or shall be advanced by the said Intestate in his Life Time, by Portion, not equal to the Share, which will be due to the other Children, by such Distribution as aforesaid, then so much of the Surplusage of the Estate of such Intestate, to be distributed to such Child or Children, as shall have any Lands by Settlement from the Intestate, or were advanced in the Life Time of the Intestate, as shall make the Estate of all the said Children to be equal, as near as can be estimated : But the Heir at Law, notwithstanding any Land he shall have by Descent, or otherwise, from the Intestate,*

Estates of Persons dying Intestate, shall be distributed to the Wife and Children, or Kindred of the deceased, viz. $\frac{1}{3}$ to the Wife, and the Residue to the Children, or their legal Representatives, in equal Proportions.

Except such Children (other than the Heir) who have had Settlements, or received Portions in the Life Time of the Intestate; but if such Portion be not equal to the Share arising by the Distribution to the other Children, the Residue shall be paid out of the Estate.

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The Heir, besides the Land, shall have an equal Share of all other Estate.

Method for dividing Estates of Children dying Intestate after the Father and during the Life Time of the Mother.

Intestate, is to have an equal Part in the Distribution with the rest of the Children, without any Consideration of the Value of the Land which he hath by Descent, or otherwise, from the Intestate. And if, after the Death of a Father, any of his Children shall die Intestate, without Wife or Children, in the Life Time of the Mother, every Brother and Sister, and the Representatives of them, shall have an equal Share with them: And if all the Children shall die Intestate, without Wife or Children, in the Life Time of the Mother, then the Portion of the Child so dying last, shall be equally divided, One Moiety to the Mother, and the other Moiety to the next of the Kindred by the Father: And if there be no such Kindred by the Father, then the Whole shall be to the Mother; any Law, Usage, or Custom, to the contrary, notwithstanding.

A N D in Case there be no Children, or any legal Representatives of them, then One Moiety of the said Surplusage to be allotted to the Wife of the Intestate, and the other Moiety to be distributed equally to every of the next of Kindred to the Intestate, who are in equal Degree, and those who legally represent them; and if there be no such Kindred, then all the said Surplusage to be to the Wife.

No Collateral Representatives, after Brothers and Sisters Children.

If no Wife, all the Estate to be equally divided among the Children, &c.

Persons dying Testate, and only leaving two Children, shall not bequeath less than one third of their Estates to the Wife: If above two Children, a Child's Part; but if no Child, she shall have a Moiety: Wills otherwise made, shall, upon Petition of the Wife, as to her Part of the Estate, be set aside.

Executors of a Wife dying before Distribution, shall only recover what is given her by Will.

And if the Widow of an Intestate dies before Appraisement, her Right shall be determin'd.

Estates shall not be distributed until 9 Months after the Intestates Death; and Security shall then be given

III. *PROVIDED*, That there be no Representations admitted amongst Collaterals, after Brothers and Sisters Children. And in Case there be no Wife, then all the said Surplusage to be distributed equally to and amongst the Children. And in Case there be no Child, then to the next of Kindred, in equal Degree of or unto the Intestate, and their legal Representatives, as aforesaid; and in no other Manner whatsoever.

IV. *PROVIDED also*, That when any Person dies Testate, if he leaves One or Two Children, and no more, he shall not have Power to dispose of more than Two Third Parts of his Estate, by Will, to any other Person or Persons than his Wife; and One Third Part thereof, at the least shall be given to her. And if such Person shall leave more than Two Children, he shall not leave his Wife less than a Child's Part, according to the Number of Children: But if such Person leaves no Child, then the Wife shall have at least one equal Moiety of his Estate. And if any Person shall leave a Will, wherein a lesser Part of his Estate shall be given to his Wife than is herein directed, such Will, as to so much thereof as relates to the Wife, upon her Petition to the Court where the same shall be proved, shall be declared null and void: And thereupon, she shall and may be impowered to sue for and recover, such Part of her deceased Husband's Estate, as is herein before directed to be given her.

V. *PROVIDED always*, That if such Wife shall die, before Distribution of her deceased Husband's Estate shall be made, according to this Act, then in such Case, her Executors and Administrators shall be impowered to sue for and recover, so much of the said Estate, as shall be given to her by Will, and no more; any Thing herein before, to the contrary, notwithstanding.

VI. *PROVIDED also*, That if the Widow of any Person dying Intestate, shall depart this Life, before the Estate of her deceased Husband shall be appraised, then the Right of such Widow, to her said Husband's Estate, or any Part thereof, shall be determined: Neither shall her Executors or Administrators have Power to commence or prosecute any Suit, for Recovery thereof.

VII. *PROVIDED also, and be it Enacted, by the Authority aforesaid*, to the End that a due Regard be had to Creditors, That no such Distribution, as aforesaid, of the Goods of any Person dying Intestate, be made, till after Nine Months be fully expired, after the Intestates Death: And that such, and every one to whom any Distribution and Share shall be allotted, shall give Bond,

Bond, with sufficient Sureties, in the Court where such Distribution shall be made, That if any Debt or Debts, truly owing by the Intestate; shall be afterwards sued for, and recovered, or otherwise duly made to appear, that then, and in every such Case, he or she shall respectively refund and pay back to the Administrator, his or her ratable Part of that Debt or Debts, and of the Costs of Suit, and Charges of the Administrator by Reason of such Debt, out of the Part and Share so as aforesaid allotted to him or her, thereby to enable the said Administrator to pay and satisfy the said Debt or Debts, so discovered after the Distribution made, as aforesaid.

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in Court, for indemnifying the Administrator, from Recoveries of Creditors, &c.

VIII. *AND be it further Enacted*, That the Widow of any Person dying Intestate, shall be endowed of One full and equal Third Part of all her deceased Husband's Lands, Tenements, and other Real Estate, in Manner as is directed and prescribed by the Laws and Constitutions of the Kingdom of *England*: And till such Dower shall be assigned, it shall be lawful for her to remain and continue in the Mansion House, and the Messuage or Plantation thereto belonging, without being chargeable to pay the Heir any Rent for the same: Any Law, Usage, or Custom, to the contrary, in any wise, notwithstanding.

Widows of Intestates entitled to Dower, & may remain in the Mansionhouse & Plantation, until Dower assign'd, &c.

IX. *PROVIDED always*, That if any Widow shall have such a Jointure settled on her, in the Life Time of her Husband, as by Law doth barr her of her Dower, she shall not hold Possession of any Houses or Messuages of her said deceased Husband, other than what shall be so settled on her.

But Widows barr'd of Dower, by a Jointure, &c. shall not hold any other Messuage, &c.

X. *AND* if it shall so happen, that any Person dies, leaving an Estate of so small Value, that no one will take Administration thereupon,

XI. *BE it Enacted*, That in such Case, it shall be lawful for the Court, at the Expiration of Three Months next after such Person's Decease, to empower and direct the Sheriff of the County, to take the said Estate into his Possession, and make Sale thereof, by Way of Outcry: And the Buyers of such Estate shall give Obligations, with Security, for the Payment of what shall be due from them to the said Estate; which Obligations shall be made payable to the Sheriff, and shall by him be assigned to such Creditors of the deceased, or to such other Persons as the Court shall direct; always regarding the Dignity of the Debts: And for his Trouble herein sustained, the Sheriff shall be paid out of such Estate, after the Rate of Five Pounds *per Cent.* of the Value for which it shall be sold.

Where no Person will administer an Estate, Courts may appoint the Sheriff to take Possession.

His Duty, and Fees.

XII. *AND* for the better securing the Estates of all Persons deceased, and of all Orphans Estates,

XIII. *BE it Enacted and Declared*, That when any Person shall be chargeable, as Executor or Administrator, or otherwise, with the Estate of any Person deceased, or with any Orphan's Estate, and shall die so chargeable, the Estate of such Person so dying, shall be liable to pay and satisfy such other deceased Person's, or Orphan's Estate, before any other Debt whatsoever; any Law, Custom, or Usage, to the contrary hereof, in any wise, notwithstanding.

Estates of Executors, Administrators, and Persons chargeable with Orphans Estates, liable for such Estates before any other Debt.

XIV. *AND be it further Enacted*, That every County Court shall take good Security of all Guardians, for the Estates of the Orphans committed to their Charge, and that they shall Yearly inquire into such Securities; and if any of them become Defective or Insufficient, shall cause new Security to be given: And if it shall appear that the said Estates are likely to be imbezzled, or that the Orphans are not taken Care of, and educated, according to their Estates; then the said Court shall have Power to remove the said Orphans (not

Method for securing Orphans Estates. County Courts shall take Security of Guardians, and Annually examine into such Security, being and if defec-

A. D. 1705. being of Age to choose their Guardians) and their Estates, and to place them under the Care of such other Persons, as to them shall seem most proper; always taking good Security for the said Orphans Estates, that when the same shall become payable to the said Orphans, they shall be paid without making any Abatement or Allowance (other than of the Profits of the said Estates) for Diet, Cloathing, or any other Matter whatsoever: And if the Estate of any Orphan be of so small a Value, that no Person will maintain him for the Profits thereof, then such Orphan shall, by Direction of the Court, be bound Apprentice to some Handicraft Trade, or Mariner, until he shall attain to the Age of One and Twenty Years. And the Master of every such Orphan shall be obliged to teach him to read and write: And, at the Expiration of his Servitude, to pay and allow him in like Manner as is appointed for Servants, by Indenture or Custom. And if it shall appear, that any such Apprentice be ill used by his Master, or that he fails to teach him his Trade, the Court shall have Power to remove him, and to bind him to such other Person as to them shall seem most proper.

And may bind poor Orphans Apprentices, 'til 21 Years of Age. Masters of Orphan Apprentices shall teach them to read and write, and give them the Allowance prescribed by Law for other Servants. Courts may remove Apprentices mis-used or neglected. Vid. 3 & 4 Geo. 2. cap. 8.

XV. AND be it further Enacted, and Declared, That if any County Court shall grant an Administration, upon the Estate of any Person deceased, or shall commit an Orphan's Estate to the Charge of any Person, and shall fail to take good Security for the same, in such Manner as the Law directs; in every such Case, the Justices that shall grant such Administration, or commit such Orphan's Estate, as aforesaid, and every of them, shall be chargeable for all such Loss and Damage as shall accrue by Reason of such Failure: To be recoverable by Action at the Common Law, at the Suit of the Party grieved.

XVI. PROVIDED always, and be it further Enacted, That when any Party, being Security in any Court, for any Decedent's Estate, or for the Estate of any Orphan, shall think himself in Danger of suffering, by Reason of being such Security, and shall petition the said Court for Relief, either by Counter Security, or otherwise, then it shall and may be lawful for the said Court to summon the Party with whom such Security was given, and to make such Order and Decree therein, as to them shall seem consistent with Equity and good Conscience, for the Relief and Indemnifying of such Party so petitioning, as aforesaid.

XVII. AND be it further Enacted, That the County Court shall have Power, by their Discretion, to regulate the Funeral Expences of any Person deceased, and to make Allowance for the same, according to his Estate.

XVIII. AND be it further Enacted, That all and every other Act and Acts, and every Clause and Article thereof, heretofore made, for so much thereof as relates to any Matter or Thing whatsoever, within the Purview of this Act, is, and are hereby Repealed, and made void, to all Intents and Purposes, as if the same had never been made.

C H A P. XIX.

An Act for establishing the General Court, and for regulating and settling the Proceedings therein.

I. FOR a speedy and regular Determination of all Controversies and Differences between any Persons; and for continuing, constituting, and erecting such Courts as shall be competent and necessary, to hear and adjudge all such Causes as shall be brought before them,

II. BE

Repealed by act of Assembly passed 1753.

For the regular Determination of Suits, &c.

II. BE it Enacted, by the Governor, Council, and Burgeses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same, That at some one certain Place, to be lawfully appointed, and at such Times as herein after directed, there shall be held one principal Court of Judicature, for this her Majesty's Colony and Dominion of Virginia; which Court shall be and is hereby established, by the Name of The General Court of Virginia; and shall consist of Her Majesty's Governor, or Commander in Chief, and the Council, for the Time being, any Five of them to be a Quorum; and they are hereby declared and appointed Judges or Justices, to hear and determine all Suits and Controversies which shall be depending in the said Court.

A. D. 1706.

The General Court of Virginia established consisting of the Governor and Council, for the Time being, any Five of them to be a Quorum.

III. AND be it Enacted, That every Person, which shall, from Time to Time, or at any Time hereafter, enjoy the Office of a Judge or Justice of the said General Court, at and before his Entering into and upon the said Office, shall take the Oaths appointed by Act of Parliament to be taken instead of the Oaths of Allegiance and Supremacy; and shall make and subscribe the Declaration appointed by one Act of Parliament, made in the Twenty-Fifth Year of the Reign of the late King Charles the Second, intituled, *An Act preventing Dangers which may happen from Popish Recusants*, and the Oaths mentioned in an Act of Parliament, intituled, *An Act to declare the Alteration in the Oath appointed to be taken by the Act*, intituled, *An Act for the further Security of Her Majesty's Person, and the Succession of the Crown in the Protestant Line; and for extinguishing the Hopes of the pretended Prince of Wales, and all other Pretenders, and their open and secret Abettors; and for declaring the Association to be determined.* And if any Person whatsoever shall presume to sit, judge, decree, direct, act, or do, any Manner of Act or Acts, Thing or Things whatsoever, appertaining and properly belonging to the Office of a Judge or Justice of the said General Court, before he hath taken the said Oaths, and every of them; every Person so presuming to sit, judge, decree, direct, act, or do, as aforesaid, without taking the Oaths, and making and subscribing the Declaration afore-mentioned, and every of them, shall, for every such Offence, be fined Five Hundred Pounds Sterling; One Moiety thereof to Her Majesty, her Heirs and Successors, for and towards the better Support of this Government, and the contingent Charges thereof; and the other Moiety thereof to him or them that shall inform, or sue for the same.

Justices of the General Court shall take the Oaths appointed by Act of Parliament, &c.

Persons sitting and acting as Justices of the General Court, before taking the Oaths, &c. forfeit 500 l. Sterling.

IV. PROVIDED always, That if the said Oaths, Declaration, or any of them, shall be abrogated by Authority of the Parliament of England, or become otherwise void, the same shall also be adjudged, deemed, and taken to be abrogated, and to become void in this Colony and Dominion also.

But if any of the said Oaths &c. shall be altered or repealed by Act of Parliament, such Alteration shall extend to this Colony.

V. AND be it further Enacted, That the said General Court shall take Cognizance of, and are hereby declared to have full Power and lawful Authority and Jurisdiction, to hear and determine, all Causes, Matters, and Things whatsoever, relating to or concerning any Person or Persons, Ecclesiastic or Civil, or to any other Persons or Things, of what Nature soever the same shall be, whether the same be brought before them by original Process, or Appeal from any other Court, or by any other Ways and Means whatsoever.

The Authority and Jurisdiction of the General Court.

VI. PROVIDED always, That no Person shall take original Process, for the Tryal of any Thing in the General Court, of less Value than Ten Pounds Sterling, or Two Thousand Pounds of Tobacco, on Penalty of having such Suit dismissed, and the Plaintiff being nonsuited, and paying Costs of Suit.

No original Process shall be brought in the General Court, for less than 10 l. Ster. or 2000 lb. Tobacco on Penalty of a Nonsuit, and Payment of Costs.

VII. PROVIDED always, That if the Justices of any County Court, or the Vestry of any Parish, shall become liable to Prosecution for the Breach of any Penal Law, relating to their Office; in such Case, it shall and may be lawful for Her Majesty's Attorney-General, or any other Person and Persons thereunto permitted or empowered by Law, to inform or sue in the General Court,

But County Courts, or Vestries, may be sued for Breach of Penal Laws, al.

A. D. 1705. Court, for the Penalty due on the Breach of such Penal Law, although it be of less Value than Ten Pounds Sterling, or Two Thousand Pounds of Tobacco; any Thing herein contained to the contrary, notwithstanding.

General Court shall begin April 15, & October 15, Annually & each Court shall continue to be held 18 Days, Sundays exclusive. VIII. *AND* be it further Enacted, That the said General Court shall be held Two Times every Year; to wit, One Court shall begin upon the Fifteenth Day of April, if not on a Sunday, and then on the Monday thereafter, and shall continue to be held Eighteen Natural Days, Sundays exclusive; and One other Court shall begin on the Fifteenth Day of October, if not on a Sunday, and then on Monday thereafter, and shall continue to be held Eighteen Natural Days, Sundays exclusive.

But if the Business of the Court is ended in less Time, they may adjourn. IX. *PROVIDED*, nevertheless, That if all Suits, and other Matters depending in the said Courts, shall be ended in less Time than the Days appointed by this Act, for them to sit; in such Case, it shall be lawful for the said Judges or Justices to adjourn until the next succeeding General Court.

Other Oaths to be taken by every Judge of the General Court.

X. *AND* be it further Enacted, That the said Judges or Justices, and every One of them, at the Time of his or their Entering into and upon his or their Office or Offices, shall take the following Oaths, and every of them, for the due Execution of his and their said Office and Offices; under the like Fine, Penalty, and Forfeiture, as is before mentioned, for not taking the Oaths appointed by Act of Parliament to be taken, instead of the Oaths of Supremacy and Allegiance: To be recovered and divided in the same Manner.

The Oath of a Judge of the General Court.

The Oath of a Judge.

YOU shall swear, That you will well and truly serve our Sovereign Lady the Queen, and her People, in the Office of a Judge or Justice of the General Court of Virginia; and you shall not council or assent to any Thing, the which might turn to the Hurt or Disheriting of the Queen, by any Way or Colour; and you shall do equal Law, and Execution of Right, to all the Queen's Subjects, rich and poor, without having Regard to any Person: You shall not take, by your self, or by any other Person, any Gift, or Reward, of Gold, Silver, or any other Thing, (except Meat and Drink, and that but of small Value:) You shall not take any Fees, or other Gratuity, of any Person, great or small, except such Salary as shall be by Law appointed: You shall not maintain, by yourself, or any other, privily or openly, any Plea or Quarrel hanging in any of the Queen's Courts: You shall not delay any Person of common Right for the Letters of the Queen, her Governor of this Country or of any other Person, nor for any other Cause, and in Case any Letter come to you, contrary to the Law, you shall nothing do for such Letter, but you shall proceed to do the Law, the said Letters notwithstanding: And lastly, in all Things belonging to your said Office, during your Continuance therein, you shall faithfully, justly, and truly, according to the best of your Skill and Judgment, do equal and impartial Justice without Fraud. So held you God.

The Oath of a Judge of the General Court, in Chancery.

The Oath of a Judge, in Chancery.

YOU shall swear, That well and truly you will serve our Sovereign Lady the Queen, and her People, in the Office of a Judge or Justice of the General Court of Virginia, in Chancery; and that you will do equal Right to all Manner of People, great and small, high and low, rich and poor, according to Equity and good Conscience, and the Laws and Usages of this Colony and Dominion of Virginia, without Favour, Affection, or Partiality. So help you God.

XI. *AND* for the more easy and regular Prosecution and Determination of all Suits and Actions in the General Court,

XII. *BE*

A. D. 1705.

XII. *BE it Enacted, by the Authority aforesaid,* That all original Proceſs, (either by Writ, Summons, or any other Manner or Means, to bring any Perſon or Perſons whatſoever, to answer any Action, Suit, Information, Bill, or Complaint, in the General Court,) and all Executions, and all Attachments awarded by the General Court, at the Common Law, and all Manner of Subpœnas, Attachments, and other Proceſs in *Chancery*, and all and every other Proceſs whatſoever, regularly and legally belonging or appertaining to, or for, or concerning any Cause, Suit, Matter, or Thing, depending, or to be depending, or prosecuted, in the General Court, shall be issued from the Secretary's Office, signed by the Clerk of the General Court; and shall also be again returned into the same Office and Offices, whence the same were issued.

All Writs shall be issued from the Secretary's Office, signed by the Clerk of the General Court, and returnable to the same Office.

XIII. *AND be it further, Enacted,* That if any Action, Suit, Bill, Complaint, Information, or any other Thing, shall be commenced, brought, had, or made, against any Person being a Member of Her Majesty's Council of State within this Colony and Dominion; then, instead of any other Proceſs which might be legally taken in like Case against any other Person, the Clerk of the General Court shall issue a Summons, to the Sheriff of the County where such Councillor usually resides, reciting the Matter or Cause charged against him, and summoning him to appear and answer the same, upon such a certain Day of the General Court as shall be therein mentioned: And if the said Councillor shall not appear at the Day, according to the said Summons, then it shall be lawful for the Court to issue an Attachment against the Estate of every such Councillor so failing to appear; and thereafter, the Proceedings in such Cases, shall be in the same Manner, as upon the Sheriff's returning *Non est inventus*, on any ordinary Proceſs.

Proceſs against a Councillor shall be by Summons, and Attachment on Failure of Appearance, &c.

XIV. *AND for the Prosecution of any Action, Suit, Bill, Complaint, Information, or any other Thing of the like Nature, against the Sheriff of any County, the like Proceſs shall be issued by the Clerk of the General Court, to the Coroner of the County where the Sheriff resides; and thereupon the like Proceedings shall be had against such Sheriff, in the same Manner as is before directed, concerning the Members of the Council.*

Proceſs against a Sheriff, shall be in the same Manner, and directed to the Coroner of the County.

XV. *AND be it further Enacted,* That the Clerk of the General Court shall not issue Writs, Subpœnas, or any other original Proceſs, for more than Twelve Suits or Actions returnable to any one Day of the General Court, neither shall he issue such Proceſs returnable to any Day, except there shall have theretofore issued Proceſs for Twelve Suits or Actions returnable to every preceeding Day of that General Court.

Rules for issuing Writs, &c.

XVI. *AND be it further Enacted,* That all Proceſs whatſoever, returnable to the General Court, shall be executed at least Ten Days before the Day mentioned therein for the Return thereof; and if any Proceſs shall be delivered to any Sheriff, or other Officer, so late that he cannot execute the same Ten Days before the Day of the Return, then it shall not be lawful for such Sheriff, or other Officer, to execute the same, but he shall make Return thereupon, according to the Truth of the Case: And if any Person takes out any original Proceſs whilst the General Court is sitting, or within Ten Days before the Beginning of any General Court, such Proceſs shall be made returnable to the next General Court after that then sitting, or beginning within Ten Days, as aforesaid, and not otherwise: And all such Proceſs issued and made returnable, otherwise than is herein directed, shall be, to all Intents and Purposes, null and void.

How Proceſs shall be executed and returned. *Vid 1 Geo. 2. cap. 3.*

XVII. *PROVIDED always,* That nothing herein contained, shall be construed, deemed, or taken, to extend to the disabling or incapacitating any Judge or Justice of the General Court, or any Justice of the Peace, or other

Judges of the General Court, Justices of Peace, and other Officer, lawful Off.

A. D. 1705.
Officer, may ap-
prehend Crimi-
nals, and
bind them to
an Appear-
ance, at the
General
Court.

Officer, having lawful Authority for the same, to apprehend, or cause to be apprehended, any Traitor, Felon, Pirate, Rioter, Breaker of the Peace, or any other criminal Offender; but that all and every such Offender or Offenders, shall and may be bound over to appear at the General Court, in like Manner as heretofore hath, or might have been, lawfully practised, according to the Laws of England.

XVIII. PROVIDED also, That nothing herein, shall be construed to invalidate or vitiate any Writ, Process, Warrant, or other Mandate or Precept, which shall be issued, made, or given, by any one or more of the Judges or Justices of the General Court, returnable to the General Court.

Criminal
Prosecutions,
&c. shall be
returnable to
the 4th Day
of the Court.

XIX. PROVIDED also, That nothing herein contained, shall be construed to prohibit the Clerk of the General Court from issuing Process for any more than Twelve Actions, Suits, or Prosecutions, in Her Majesty's Behalf, returnable to the Fourth Day of the General Court; but that it shall and may be lawful to and for Her Majesty's Attorney-General, for the Time being, or any other Person prosecuting, on Her Majesty's Behalf, to take Process for any Treason, Murder, Felony, Piracy, Breach of the Peace, Misdemeanor, or Contempt, returnable to the Fourth Day of the General Court, although there shall be theretofore issued Process for Twelve or more Actions, Suits, or Prosecutions, returnable to the same Day; any Thing herein contained to the contrary, in any-wise, notwithstanding.

For ascertain-
ing in what
Manner the
Number of
Days, limited
by Law, shall
be accounted.

XX. AND because many Controversies may arise, concerning the Manner of accounting any Number of Days, that is hereby, or in any other Act of Assembly hereafter shall be set, for issuing, serving, or returning of Process, for filing Declarations, or other Matters or Things of the like Nature: There-

The Days of
issuing, exe-
cuting, or re-
turning any
Writ, &c. and
of filing De-
clarations, &c.
shall be ex-
cluded.

XXI. BE it Enacted, by the Authority aforesaid, That in all Cases, where there is, or shall be, a certain Number of Days appointed, either for issuing, executing, or returning of Process, filing Declarations or Pleas, or for any other Matter or Thing whatsoever, such Number of Days shall be accounted by Natural Days, exclusive of the Days of issuing, executing, and returning of such Process; and so in like manner for all other Cases.

Sheriff shall
return the
Names of the
Bail by him
taken, and the
Bail so return-
ed, shall be
subject to the
same Judg-
ment and Re-
covery, and
have the same
Liberty of De-
fence, as the
Defendant
might have, or
be subject to.

But the Bail
shall be dis-
charged, by
the Personal
Appearance
of the Defen-
dant, at the
next Court af-
ter Judgment
given against
the Bail.

If the Sheriff
shall not re-
turn the Bail,
and the Defen-
dant

XXII. AND be it further Enacted, by the Authority aforesaid, That upon the issuing of Process to any Sheriff, for attaching the Body of any one or more Person or Persons to answer any Suit, Action, Complaint, or Information, if such Sheriff, upon the Execution of the Process, shall return Bail by him taken, for the Appearance of such Person or Persons so attached, and the said Person or Persons shall fail to appear accordingly, then Judgment shall be given against such Bail, for what shall appear to be justly due to the Plaintiff or Prosecutor, at the next Court; on Condition, that if such Person or Persons so attached as aforesaid, shall make his, her, or their Personal Appearance at the next Court after such Judgment shall be given against the Bail, as aforesaid, then the Bail shall be discharged; otherwise the Bail shall have the same Liberty of defending himself, that the principal Defendant might have had, if he had appeared; and then the Judgment shall be confirmed against the Bail for what shall appear due to the Plaintiff or Prosecutor: And if the Sheriff, upon the Execution of the Process, shall not return any Bail, and the Defendant shall fail to appear, then Judgment shall be given against the Sheriff, in the same Manner, and with the same Condition, that is before expressed against the Bail. And in Case the Person or Persons attached, shall fail to appear at the next Court after such Judgment against the Sheriff, then the Sheriff shall have the same Liberty, and be liable to the like Judgment as is before directed, for and against the Bail: And if the Sheriff depart this Life before such Judgment be confirmed against him, in such Case, it shall and may be lawful to confirm such Judgment

ment as aforesaid, against the Executors and Administrators of the said Sheriff: *4. D. 1705.*
And if there shall not any Will be proved, or Administration of his Estate granted, then it shall be lawful to confirm the said Judgment against the Estate of the said Sheriff; and accordingly a Writ of *Fieri Facias* shall and may issue to seize and levy so much of the Goods and Chattels of the deceased Sheriff, as will satisfy the said Judgment, and every Part thereof.

fails to appear, the Sheriff shall be subject to the Judgment and Recovery. If the Sheriff
dies before Judgment confirm'd against him, then such Judgment shall be given against his Executors or Administrators, and if none such, a *Fieri Facias* shall issue against his Estate.

XXIII. PROVIDED always, That in all Cases where the Defendant or Tenant shall fail to appear at the First Court, the Sheriff or Bail shall not take any Advantage by Imparance, or otherwise, of the Plaintiff or Demandant, for his, her, or their not having filed any Declaration before the Day whereto the Writ was returnable, but Judgment shall be given in Manner aforesaid, against the Bail or Sheriff, his Executors, Administrators, or Estate, as if the Declaration had been filed in due Time.

XXIV. PROVIDED also, That after such Conditional Judgment as aforesaid, against the Sheriff or Bail, the said Sheriff or Bail shall not be discharged by the Appearance of the Defendant or Tenant only, unless, at the same Time, he, she, or they shall give special Bail, for the abiding by the Award of the Court: And in Case such special Bail shall not be given, the Proceedings shall be had against the Sheriff or Bail as aforesaid, as if the Defendant or Tenant had never appeared.

XXV. PROVIDED always, and it is hereby Enacted and Declared, That in every Case, where Judgment shall be confirmed as aforesaid, against the Bail or Sheriff, or against his Executors or Administrators, or against his Estate, for or by Reason of the Non-appearance, or other Failure of the Defendant as aforesaid, it shall and may be lawful for the Court where such Judgment shall be so confirmed, upon the Motion of the Bail or Sheriff, or of his Executors or Administrators, or of any other Person, on Behalf of them, or either of them, to order an Attachment to issue, to attach so much of the Estate of the Defendant, as shall be of Value sufficient to satisfy such Judgment, and the Costs, and all other Costs and Charges concerning the same: Which Attachment shall be returnable to the next succeeding General Court, and thereupon the Estate shall, by the Court be condemned, for Satisfaction of the Judgment, Costs, and Charges, as aforesaid, and shall cause the same to be lawfully appraised; and accordingly, so much thereof as shall be sufficient, shall be delivered to the Bail or Sheriff, or his Executors or Administrators, against whom the Judgment shall have been confirmed, as aforesaid, to his and their own proper Use, and the Remainder shall be returned to the Person from whom the same was attached.

XXVI. AND be it further Enacted, by the Authority aforesaid, That for the better and more regular Prosecution and Determination of all Causes in the said General Court; and for the more exact Entering of the Judgments of the said Court; and for the Preservation of the Records thereof, these following Rules and Methods shall be observed; *to wit,*

THAT every Plaintiff or Demandant shall file his Declaration Three Days before the Day whereto the Writ is returnable; and if no Declaration is filed in that Time, (but yet shall be filed before the Day of the Return,) the Defendant or Tenant shall have One Imparance of Course, more than otherwise should have been allowed; and if no Declaration be filed before the Day of the Return, then the Plaintiff or Demandant shall be Nonsuit.

THAT if the Plaintiff or Demandant fails to appear and prosecute his Suit, he shall be Nonsuit.

THAT

Where the Defendant fails to appear, the Bail or Sheriff may not have an Imparance, for Want of the Plaintiff's Declaration being filed before the Return of the Writ. Sheriff or Bail shall not be discharged by the Defendant's Appearance, unless special Bail be entered. Bail or Sheriff, and his Executors or Administrators, may have Remedy by an Attachment against the Defendant's Estate, to be granted by the Court, upon Motion, returnable to the next General Court. See 1 Geo. 2. cap. 3. relating to Bail.

Rules alter'd, Cap. 3. 1787.

A. D. 1705.

T H A T where any Nonsuit is awarded by the Court, there shall be paid for the same, (besides the Costs of Suit,) in Manner following; *to wit*, If the Defendant or Tenant (or where there are several Defendants or Tenants, if any One of them) shall dwell Twenty Miles, or less, distant from the Place of holding the General Court, One Hundred and Fifty Pounds of Tobacco, and Five Pounds of Tobacco for every Mile above Twenty.

T H A T the Defendant or Tenant shall prepare his Plea in Writing, to the Declaration of the Plaintiff or Demandant.

Clerk of the General Court shall preserve, and file together, all the Papers of every Cause.

T H A T the Clerk of the Court do carefully preserve the Declarations, Pleas, and all Evidences, and other Papers relating to any Cause; and that they be all filed together in the Office.

Pleadings and Judgments in Land Causes shall be entered at large in particular Books.

T H A T in all Cases, where the Title of any Estate, in Land is determined, the Pleadings shall be all in Writing; and shall be entered at large, with the Judgment thereupon, in particular Books set apart for that Purpose.

Suits against County Courts or Vestries, for Breach of Penal Laws, may be brought against all the Justices or Vestrymen jointly.

T H A T in all Cases, where any Fine is laid on the Justices of any County Court, or the Members of the Vestry of any Parish, one Action may be brought against them all jointly.

The Proceedings of Court shall be daily drawn up at large, read & corrected in Court, sign'd by the Secretary, or his Deputy, & preserved among the Records.

T H A T for Prevention of Errors, in Entering the Judgments of the Court, the Proceedings of every Day shall be drawn at large by the Clerk, against the next Sitting of the Court, when the same shall be read in open Court, and such Corrections as are necessary, shall be made therein; and then the same shall be signed by the Secretary of this Dominion, for the Time being, or his Deputy: Which Draughts of the Proceedings, so signed, shall also be very carefully preserved amongst the Records.

XXVII. A N D forasmuch as in many Cases, for the Trials of Matters of Fact, in the said General Court, it may be necessary to examine several Witnesses, that the Truth in such Cases, may be the better known: Therefore,

Summons for Witnesses shall be issued by the Clerk.

XXVIII. B E it Enacted, by the Authority aforesaid, That the following Orders, Rules, and Methods, for the Summoning, Examination, and Taking Affidavits of Witnesses, in all Cases depending in the said Court, and every of them, be observed, and put in Practice, hereafter mentioned, *to wit*,

T H A T in all Cases where Witnesses are to appear at the General Court, a Summons shall be issued for the same, by the Clerk of the General Court, for the Time being, expressly mentioning the Time and Place where the Witnesses are to appear, and the Names of the Parties to the Suit wherein they are to give Evidence, and at whose Request they are summoned.

If any Witness be disabled by Sickness, &c. from attending the Court, or any of the Justices may grant a *Adjournment* to take such Witness's Testimony.

T H A T if any Witness, by Sickness, Age, or other lawful Disability, be incapable of attending, to give his or her Evidence, according to such Summons, then every Person so incapacitated, shall procure a Certificate of such Disability, under the Hand (at least) of one Justice of the Peace of the *Quorum*, in the County where he or she resides: And in such Case, the Judges or Justices of the Court where such Suit is depending, or any Two of them, shall or may, by one or more Commission or Commissions, from Time to Time, as Need shall require, empower such and as many Persons as they shall think fit and necessary, in any County within this Dominion, to take and receive all and every the Affidavit and Affidavits, of any Person or Persons so disabled, as aforesaid, and procuring a Certificate in Manner as is before directed.

XXIX. *PROVIDED* always, That the Party praying for and obtaining such Commission or Commissions, for taking or receiving any Affidavit or Affidavits, as aforesaid, shall make known unto the other Party against whom the same are to be taken, the Time and Place of the Execution of every such Commission, at least Ten Days before the Day appointed for such Execution. And all Affidavits otherwise taken than is herein directed, shall be, to all Intents and Purposes, null and void.

A. D. 1705.
But the Party praying such *Dedimus*, shall give 10 Days Notice to the other Party, of the Time and Place of taking such Examination.

XXX. THAT if any Person whatsoever shall be summoned as a Witness, and upon his or her Appearance in the General Court, or before the Persons appointed to take Affidavits, as aforesaid, shall refuse to give Evidence upon Oath, when thereto lawfully required; then such Person so refusing, shall immediately thereupon be committed to the Common Goal, there to remain without Bail or Mainprize, until he or she shall be willing to give Evidence, upon Oath, in such Manner as the Law now doth, or at any Time hereafter shall, direct.

Witnesses summoned, and refusing to give Evidence, upon Oath, shall be committed to Goal.

XXXI. *PROVIDED* always, That the People commonly called Quakers, shall have the same Liberty of giving their Evidence, by Way of solemn Affirmation and Declaration, as is prescribed by One Act of Parliament, *Septimo & Octavo Gulielmi Tertii Regis*, intituled, *An Act That the solemn Affirmation and Declaration of the People called Quakers, shall be accepted instead of an Oath, in the usual Form*; which said Act of Parliament, for so much thereof as relates to such Affirmation and Declaration, and for the Time of its Continuance in Force, and not otherwise, shall be, to all Intents and Purposes, in full Force within this Dominion. That Popish Recusants Convict, Negroes, Mulattoes, and *Indian* Servants, and others, not being Christians, shall be deemed and taken to be Persons incapable in Law, to be Witnesses in any Cases whatsoever.

Quakers Testimony shall be taken upon their solemn Affirmation and Declaration.

Part of the Statute 7 & 8 *Gal. 3. cap. 34.* Enacted. Popish Recusants Convict, Negroes, Mulattos, and *Indians*, not Christians, incapable of being Witnesses.

THAT if any Person shall be summoned to attend at the General Court, as a Witness, and shall fail to attend, according to the Summons, for every such Failure, he or she who shall be guilty thereof, shall forfeit and pay to the Party agrieved, One Thousand Pounds of good Tobacco: To be recovered, with Costs, by Action of Debt, in any Court of Record within this Dominion.

Witnesses summoned to the General Court, failing to attend, forfeit 1000 *lb.* Tob. to the Party grieved.

XXXII. *PROVIDED* always, That if at the Time such Person so summoned ought to have appeared to have given Evidence, sufficient Cause be shewn of his or her Incapacity to attend, then no Forfeiture or Penalty shall be incurred by such Failure; but if sufficient Cause be not shewn at the next succeeding Court after such Failure, then, upon the Motion of the Party agrieved, it shall be lawful for the said Court to grant Judgment for the Forfeiture afore-mentioned, against the Person or Persons so summoned, and failing to appear as aforesaid.

If sufficient Cause of Inability to attend, be shewn to the Court, such Witness shall be excused; but if such Cause do not appear to the next

Court, the Party grieved may have Judgment for the Penalty.

THAT upon the Commitment of any Person or Persons, for any Capital or Criminal Offence or Offences, the Magistrate or Magistrates making such Commitment, shall cause all the Witnesses of the Fact, that shall come to his or their Knowledge, to enter into Recognizances for their and every of their Appearance, to give Evidence, *Viva Voce*, upon the Trial, of such Offender or Offenders, and every of them.

Magistrates committing Criminals, shall cause all the Witnesses to enter into Recognizance for their Appearance at the Trial.

THAT during the Attendance of any Person summoned as a Witness at the General Court, and as the said Person shall be going to, and returning from the Place of such Attendance, (allowing One Natural Day for every Twenty Miles such Person's Residence shall be distant from the same,) no Person or Persons whatsoever, shall serve or execute, or cause to be served or executed,

Witnesses at the General Court privileged from Arrests, &c. during their Attendance, and coming upon to, and return-

A. D. 1705. upon any Person so attending, going to, or returning from, such Place of Attendance as aforesaid, any Writ, Process, Warrant, Order, Judgment, or Decree; and if any such be served or executed, contrary to this Act, the same shall be void, to all Intents and Purposes whatsoever.

And shall be paid by the Party summoning, 1 lb. Tobacco per Mile, going, and returning, besides Ferriages, & 60 lb. Tob. per Day, for Attendance.

T H A T for every Mile any Person shall travel, either in going to, or returning from, the Place where he or she shall be summoned to appear as a Witness, there shall be paid to him or her, by the Person or Persons at whose Suit the Summons issued, One Pound of Tobacco and a Half per Mile, together with the necessary Charges of Ferriage, in going and returning, and Sixty Pounds of Tobacco, per Day, for every Day's Attendance, from the Time appointed for the Appearance of such Witnesses, until the Time they shall be discharged.

3 Witnesses shall be allowed for Proof of One particular Fact.

For correcting erroneous Judgments of inferior Courts,

T H A T in any Bill of Costs, there shall not be allowed the Charge of above Three Witnesses, to the Proof of any One particular Matter of Fact.

Appeals may be made to the General Court.

XXXIII. A N D to the Intent that erroneous Proceedings and Judgments of the other Her Majesty's Courts within this Dominion, may be corrected and amended, with as much Expedition, and with as little Charge to the Parties concerned, as may be: Therefore,

XXXIV. B E it Enacted, by the Authority aforesaid, That if any Person or Persons, Bodies Politic or Corporate, shall at any Time hereafter, take him, her, or themselves to be agrieved, contrary to Law and Justice, by the Judgment, Decree, or Sentence of any other Court within this Dominion, of what Nature or Value soever the Cause shall be; then, and in such Case, it shall and may be lawful, to and for such Person or Persons, Bodies Politic and Corporate, and every of them, so agrieved, to enter an Appeal from any such Judgment, Decree, or Sentence, to the said General Court: Upon which said Appeals, it shall be lawful to and for the Parties appealing, to assign and shew forth the Errors of the Judgment and Proceedings of the Court from whence they appealed, in Manner as is hereafter expressed, and not otherwise: That is to say,

Appellant, in Personal Actions not exceeding 20 l. Sterling, or 4000 lb. Tob. shall assign Errors in Matter of Right only.

U P O N an Appeal, in any Personal Action, where the Judgment, Decree, or Sentence of the Court appealed from, shall be for any Sum not exceeding Twenty Pounds *Sterling*, or Four Thousand Pounds of Tobacco, the Appellant or Appellants, in his or their Declaration, or Bill of Errors, exhibited in the General Court, shall not be permitted to assign any Error, to reverse the Judgment, Decree, or Sentence of any Court, other than Errors in Matter of Right. And if, upon hearing the Cause in the General Court, such Judgment, Decree, or Sentence, shall appear to be rightly and justly given, the same shall be affirmed; notwithstanding any Mispleading, or other Error in the Form of the Proceedings, whatsoever.

If not under 20 l. Sterl. or 4000 lb. Tob. nor above 50 l. Sterling, or 10000 lb. Tobacco, Errors in Matter of Right, and such Errors in Form, as were insisted upon in the inferior Court, may be assigned.

A N D upon an Appeal, in any Personal Action, where the Judgment, Decree, or Sentence appealed from, shall be for any Sum not under Twenty Pounds *Sterling*, or Four Thousand Pounds of Tobacco, nor above Fifty Pounds *Sterling*, or Ten Thousand Pounds of Tobacco, the Appellant or Appellants, in his or their Declaration, or Bill of Errors, exhibited in the General Court, shall not be permitted to assign any Error, to reverse the Judgment, Decree, or Sentence of any Court, other than Errors in Matter of Right, and such Errors in the Form or Manner of Proceedings, as were insisted upon in the Court from whence the Appeal shall be made. And if, upon the Hearing of the Cause in the General Court, the Judgment, Decree, or Sentence appealed from, appears to be justly made in Point of Right, and that the Errors assigned in the Manner of the Proceedings shall not be sufficient to reverse the same, then such Judgment, Decree, or Sentence, shall be affirmed in

in the General Court; notwithstanding any other Errors, which may be assigned, in the Formality of the Proceedings. *A. D. 1705.*

A N D, upon Appeals from any Judgment, Decree, or Sentence, in Personal Actions, Suits in Chancery, Informations, or other Controversies of greater Value than Fifty Pounds *Sterling*, or Ten Thousand Pounds of Tobacco, and all real Actions, of what Value soever, it shall and may be lawful to and for the Appellant or Appellants to assign Errors, either of Form or Substance, in like Manner as is permitted by the Laws of *England*, in the Prosecution upon Writs of Error.

In Personal Actions of greater Value than 50*l. Ster.* or 10000*lb. Tob.* and in all Real Actions, any Errors of Form or Substance may be assigned.

XXXV. *AND* be it further Enacted, by the Authority aforesaid, That upon an Appeal, in any Personal Action, if the Judgment, Decree, or Sentence appealed from, be affirmed in the General Court, then the Appellant or Appellants shall pay unto the Appellee or Appellees, (besides the principal Sum and Costs, expressed in such Judgment, Decree, or Sentence) Fifteen *per Cent.* Damage, upon the principal Debt, or the Sum recovered for Damage, and upon the Costs of Suit in the Court from whence such Appeal shall be made.

If the Judgment, &c. be affirmed, Appellant shall pay the Appellee, besides the principal Sum, & Costs first recovered, in Personal Actions, 15 *per Cent.* upon such principal Sum and Costs.

A N D upon any Appeal, in any Real Action, if the Judgment, Decree, or Sentence appealed from, shall be affirmed in the General Court, then the Appellant or Appellants, shall pay unto the Appellee or Appellees, in Lieu of the Fifteen *per Cent.* aforesaid, the Sum of Two Thousand Pounds of Tobacco, Damage, over and above what shall be contained and expressed in the Judgment, Decree, or Sentence, from whence such Appeal shall be made.

And in Real Actions, 2000*lb. Tob.*

XXXVI. *AND*, for the more regular Hearing and Determining of such Appeals as shall be made, from the several County Courts, unto the General Court: *Be it Enacted, by the Authority aforesaid*, That all Appeals from the County Courts of *Henrico, Prince-George, Surry, Isle of Wight, Nansemond, Norfolk, and Princess Anne*, shall be made to the Sixth Day of the next succeeding General Court after such Appeals, respectively: And that all Appeals from the County Courts of *James-City, Charles-City, New-Kent, Warwick, and Elizabeth-City*, shall be made to the Seventh Day of the next succeeding General Court after such Appeals, respectively: And that all Appeals from the County Courts of *Gloucester, King William, King and Queen, Middlesex, and Essex*, shall be made to the Eighth Day of the next succeeding General Court after such Appeals, respectively: And that all Appeals from the County Courts of *Richmond, Westmoreland, Northumberland, Stafford, and Lancaster*, shall be made to the Ninth Day of the next succeeding General Court after such Appeals, respectively: And that all Appeals from the County Courts of *Accomack, and Northampton*, shall be made to the Tenth Day of the next succeeding General Court after such Appeals, respectively: And that no Appeals from any County Courts, be admitted to any other Day of the General Court, that what is herein expressed and directed.

Days appointed for Appeals.

XXXVII. *AND* be it Enacted, by the Authority aforesaid, That upon Superfedeas brought to the General Court, to reverse any Judgment, Decree, or Sentence given in any of the County Courts of this Dominion, the Proceedings shall be in the same Manner as before directed for Appeals; and the like Damages awarded, in Case the Judgment, Decree, or Sentence of the County Court be affirmed.

Superfedeas shall be brought in the same Manner as Appeals, & subject to the like Damages. Appeals and Superfedeas limited by the Act, 1 Geo. 2. cap. 3.

XXXVIII. *AND* forasmuch, as several Fines and Forfeitures, by this and several other Acts, are, or may be directed to be recovered in any Court of Record in this Dominion: For the better Explanation thereof,

XXXIX. *BE*

A. D. 1705.

The General Court, and the respective County Courts, the only Courts of Record in this Dominion.

XXXIX. *BE it Enacted, by the Authority aforesaid, That the General Court of this Dominion, and the Courts held before the Justices of the Peace, in the several respective Counties, commonly called the County Courts, shall be deemed and taken, and are hereby declared to be the only Courts of Record, of or in this Dominion; and that no other Court or Courts whatsoever, shall be construed, deemed, or taken to be such.*

All former Laws relating to the General Court, &c. repealed.

XL. *AND be it further Enacted, That all and every other Act and Acts, and every Clause and Article thereof, heretofore made, for so much thereof as relates to Establishing the General Court; or to the Regulating or Settling the Proceedings therein; or to any other Matter or Thing whatsoever, within the Purview of this Act, is, and are hereby repealed, and made void, to all Intents and Purposes, as if the same had never been made.*

C H A P. III.

A. D. 1727.

Repealed by Act of Assembly 1753

An Act for preventing Delays in Courts of Justice; for expediting and better settling the Proceedings in the General Court; and for the more speedy and easy Recovery of small Debts; and for repealing an Act for obliging Attorneys, prosecuting Suits in Behalf of Persons out of the Country, to give Security for paying all Costs and Damages; and declaring in what Manner such Security shall be hereafter given.

Preamble. I. **W**HEREAS it hath been found by Experience, that the present Method of Proceedings in the several Courts of Justice within this Colony, is the Occasion of very great Delay in the Determining of Suits commenced and prosecuted in the said Courts; and the Laws now in Force for regulating and establishing the said Courts, have been found very defective: For Remedy whereof,

After 15 April, 1728, all Process in the General Court shall be returnable on the First or Seventeenth Days of every General Court.

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgeses of this present General Assembly, and it is hereby Enacted, by the Authority of the same, That all Original Process either by Writ, Summons, or any other Manner or Means, and all subsequent Process thereupon, to bring any Person or Persons whatsoever, to answer in any Action Real, Personal, or Mixt, Suit, Information, Bill, or Complaint, in the General Court, and all Attachments awarded by the General Court, at Common Law, and all Subpœnas to answer in Chancery, which shall be sued out from and after the Fifteenth Day of April, which shall be in the Year of our Lord One Thousand Seven Hundred and Twenty Eight, shall be returnable on the First or Seventeenth Days of every General Court, and on no other Days or Times whatsoever: And all such Writs and Process, as aforesaid, as thereafter shall be issued and made returnable, at any other Days or Times, than herein before directed for the Return thereof, shall be null and void: And all such Writs and Process shall bear Teste by the Governor, or Commander in Chief, for the Time being, and be signed by the Clerk of the said Court, and may be executed at any Time before the Day of the Return thereof: And if any Writ or Process shall be executed so late, that the Sheriff has not reasonable Time to return the same before the Day of Appearance hereinafter mentioned, and thereupon an *alias Capias*, *pluries Capias*, Attachment, or other Process, shall be awarded, the Sheriff shall not execute such subsequent Process, but shall return the first Process by him executed; and thereupon the Plaintiff shall declare and use the same Proceedings as herein after directed, and as if such Writ or Process had been returned to the Secretary's Office, on or before*

All Writs shall bear Teste by the Governor, & be signed by the Clerk. How to be executed and returned.

before the Day of Appearance, after the Return thereof; any Law, Usage, or Custom to the contrary thereof, in any-wise, notwithstanding. A. D. 1727.

III. *AND be it further Enacted*, That from and after the said Fifteenth Day of *April*, when any Writ shall issue, whereby the Sheriff is commanded to take the Body of any Person or Persons to answer unto any Plaintiff or Plaintiffs in the General Court, in any Personal Action, and no Debt or Damage shall be mentioned in such Writ, or if Bail shall not be by Law requirable, in every or any such Case, the Sheriff of the County to whom any such Writ is or shall be directed, may take the Engagement of any known and reputable Attorney, under his Hand, indorsed upon the said Writ, that he will appear, or cause an Appearance to be entred, for the Defendant or Defendants within named, according to the Return of the said Writ: Which Appearance shall be entered with the Clerk of the Court, in the Secretary's Office, on the Fourth Day after the Return of the Process, on which any Defendant or Defendants shall be arrested: Which said Fourth Day after the Return of any Process, shall be accounted, deemed and taken, and is hereby declared to be the Day of Appearance thereto.

Bail.

Appearance.

IV. *AND* if any Attorney, or other Person practising as an Attorney, engaging to appear, or cause an Appearance to be entered, as aforesaid, shall fail to enter, or cause the same to be entered, on the Fourth Day after the Return of the Process, on which the Defendant or Defendants shall be arrested, if not on a *Sunday*, and then the Day following; every Attorney, or other Person practising as an Attorney, so failing to enter, or cause an Appearance to be entered, as aforesaid, shall forfeit and pay to the Plaintiff or Plaintiffs, the Sum of Fifty Shillings Current Money; for which Judgment shall be immediately entered, and the Plaintiff may take Execution thereupon, by *Capias ad Satisfaciendum*, or *Fieri Facias*.

Attorney engaging to appear and failing to enter an Appearance, the 4th Day after Return of the Writ, forfeits 50 s. to the Plaintiff.

V. *AND be it further Enacted*, That upon executing any Process whereupon Bail shall be requirable, the Sheriff shall return therewith the Names of the Bail by him taken, as hath been heretofore accustomed to be done, to the Secretary's Office, before the Day of Appearance: And if the Sheriff shall not return Bail, or the Bail so returned, shall be adjudged insufficient by the Court, or the Defendant shall fail to give special Bail, being ruled thereto by the Court, the Sheriff or Bail so returned, shall be subject to the same Judgment and Recovery, and have the same Relief and Remedy against the Defendant or Defendants, as the Law in that Case provides, and hath been heretofore accustomed.

Special Bail.

VI. *AND* if any Interlocutory or Final Judgment shall be obtained against any Defendant or Defendants and the Sheriff, or against any Defendant or Defendants and the Bail, by the said Sheriff returned as aforesaid, before any General Court next ensuing the Return of the Writ upon which such Defendant or Defendants is or shall be arrested; every such Judgment so entered or obtained, as aforesaid, shall be set aside, if the Defendant or Defendants, on the First Day of the General Court next ensuing the Return of the Writ upon which such Defendant or Defendants was or were arrested, shall be allowed to appear without Bail, or shall put in good Bail, and shall plead to issue immediately.

Judgment against Defendant and Sheriff, or against Defendant & Bail, set aside by Appearance, & pleading to issue, the first Day of the succeeding Court.

VII. *AND be it further Enacted*, That when any Sheriff shall return, that he hath taken the Body of any Defendant, and committed him to Prison for Want of Bail, the Plaintiff may proceed, and the Defendant shall be at Liberty to make Defence, as where an Appearance shall be entered and accepted; nevertheless, such Defendant shall not be discharged out of Custody, unless the Plaintiff shall be ruled to accept an Appearance at the next succeeding General Court, or by putting in good Bail.

Defendant in Custody, admitted to plead.

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VIII. *AND*

A. D. 1727.

Where *Non est inventus* shall be returned,

VIII. AND for the better ascertaining what Process shall or may be sued out, where the Sheriff shall return, that the Defendant is not to be found, within his Bailiwick,

The Plaintiff may sue out an Attachment against the Defendant's Estate. Or *alias & pluries Capias*. Proceedings upon Attachments.

IX. BE it further Enacted, That where any Sheriff shall make such Return as aforesaid, the Plaintiff or Plaintiffs in any Civil Action, shall and may sue out an Attachment against the Estate of such Defendant, returnable as herein before is directed, for the Returns of original and other subsequent Process thereupon, to force an Appearance, on an *alias* or *pluries Capias*, if the Defendant cannot be arrested upon the *alias Capias*; which *pluries Capias* may be continued from Time to Time, 'til the Defendant shall be arrested, at the Election of the Plaintiff or Plaintiffs. And if the Sheriff shall return any Goods by him attached, the Plaintiff shall file his Declaration, and shall be entitled to a Judgment for his whole Debt; and the Goods so attached, shall remain in the Custody of the Sheriff, 'til such Judgment obtained, and then sold and disposed of in the same Manner as Goods taken in Execution upon a Writ of *Fieri Facias*: And if the Judgment shall not be satisfied by the Goods attached, the Plaintiff may have an Execution for the Residue.

Estate attached, may be replevied, by Appearance or Bail.

X. PROVIDED always, That the Goods so attached shall and may be replevied by Appearance, or putting in Bail, if the Defendant shall be ruled to give special Bail, by the Court.

Process of Outlawry.

XI. AND be it further Enacted, That where any Plaintiff will proceed to the Outlawry of any Defendant, in any Civil Action, he may, upon the *pluries Capias*, or *Capias ad Satisfaciendum*, return'd *Non est inventus*, sue out, and the Clerk of the General Court is hereby impowered and required, upon Request, to issue an *Exigent* and Proclamation, returnable upon either of the Return Days aforesaid; to the End, that such Defendant may be outlawed thereupon.

XII. AND for the more speedy Determination of all Causes depending in the General Court, than can possibly be obtained by the Rules heretofore established, and now in Practice, Be it Enacted, by the Authority aforesaid, That from and after the said Fifteenth Day of April, these following Rules and Methods shall be observed: (*To wit,*)

Rules in Personal Actions.

THAT in all Personal Actions, the Plaintiff shall file his Declaration within Four Days after the Defendant shall have entered his Appearance with the Clerk in the Secretary's Office; and if the Plaintiff shall fail or neglect so to do, he shall be Nonsuit.

Appearance.

AND when the Defendant has entered his Appearance, and the Plaintiff files his Declaration, he may give a Rule to plead, with the Clerk of the General Court, in the Secretary's Office, which shall be out in One Calendar Month after the End of the Court to which the Process whereto such Appearance shall be entered, was returnable: And if the Plaintiff shall file his Declaration, but give no Rule to plead, the Defendant may, upon the Day on which the Rule would have been out, if regularly given, file his Plea, and give a Rule to reply.

Rules for Pleading.

THAT all Rules to plead, reply, rejoin, or, for further or other Proceedings, shall be given regularly from Month to Month; after the first Rule of Pleading is expired, and shall not be given to be out in less Time than herein before mentioned, for Rules to plead: Nor shall any Rule be given between Month and Month; but such Rules shall be given, as herein before is directed; to the Intent, that all Attornies, and other Persons, by inspecting the Rule-Book, to be kept by the Clerk of the General Court, in the Secretary's Office, for that Purpose, may be the more certainly and readily informed what Proceedings have been, or are to be, in the several Causes there depending.

THAT

THAT no Nonsuit, Judgment by *Nihil dicit*, or Interlocutory or Final Judgment, shall be entered upon the Expiration of any Rule given, as aforesaid, unless the Attorney entering such Nonsuit, Interlocutory or Final Judgment, shall have called upon the Attorney on the other Side (if any Attorney be entered) Two Days at least before the entering such Nonsuit or Judgment, and given him Notice of the Expiration of the Rule, if the Attorney on the other Side, at the Time of the Expiration of any Rule, shall live or reside in the City of *Williamsburg*.

A. D. 1727.
Nonsuit, &c.

THAT upon the Expiration of any Rule, and Notice be given as aforesaid, (where the same is required,) Judgment by Default, or a Nonsuit shall be signed by the Clerk in the Office, as of the preceeding Court: Which Judgment shall be Final in Actions of Debt, where the Debt is certain; and in other Actions, a Writ of Enquiry shall be executed at the next Court after Judgment shall be signed in the Office; the Plaintiff's Attorney giving the Defendant, or his Attorney, Six Days Notice of the Execution thereof, if the Defendant lives within Twenty Miles of the City of *Williamsburg*; and if more than that Distance, Twelve Days Notice.

Writ of Enquiry.

THAT no Issue shall be tried the next succeeding General Court after it is joined, unless Ten Days Notice be given by the Plaintiff's Attorney, to the Defendant, or his Attorney, before the Day of Trial, if the Defendant lives within Twenty Miles of the City of *Williamsburg*; but if he lives at a greater Distance, then Twenty Days Notice shall be given.

Trials.

Notice.

IF an Issue be not tried, or a Writ of Enquiry executed, the next Court after it is joined, or Judgment by *Nihil dicit*, or Interlocutory Judgment entered, no Notice of Trial, or executing such Writ, need to be given; but such Causes shall be called in the same Order as they stand on the Clerk's Docket.

THAT when any Final Judgment shall be obtained out of Court, the Clerk shall allow a Lawyer's Fee in the Bill of Costs, if the Plaintiff employed one; which said Fee is hereby declared, in all Cases in the General Court, to be Fifty Shillings Current Money, or Five Hundred Pounds of Tobacco, at the Election of the Party adjudged to pay the same.

Judgment out of Court, and Lawyer's Fee.

THAT the Clerk, before every General Court, shall enter in a particular Docket for that Purpose, all such Causes; and those only in which any Issue is to be tried, Writ of Enquiry to be executed, Special Verdict or Demurrer to be argued; and all Causes set down for Hearing or Argument in Chancery, in the same Order as they stood in Course of Proceedings; setting, as near as may be, an equal Number of such Causes to each Day.

Docketing of Causes.

THAT where a special Verdict shall be found, Time shall be allowed, upon the Motion of either Party, to the same Day in the next General Court to which it stood that Court in which the Verdict shall be found, to argue it. And if any Causes shall, at the End of the General Court, remain undetermined, they shall be continued of Course, by the Clerk, to the same Day in the succeeding Court to which they were set down at that Court, without calling the same in Court.

Special Verdict.

Continuance.

THAT for the more entire and better Preservation of the Records of the Court, when any Cause shall be finally determined, the Clerk shall enter all the Pleadings therein, and other Matters relating thereto together, in a Book to be kept for that Purpose; so that an intire and perfect Record may be made thereof.

Records.

THAT all Witnesses attending the General Court shall not ask or claim any Allowance for their Attendance, in the Court, but shall require an Allowance

Witnesses.

ance

A. D. 1742. and thereof by the Clerk, in the Office, unless the said Clerk shall refuse to allow such Claim; and then any Witnefs shall be at Liberty to apply to the Court for an Allowance thereof.

Appeals and
Superfedeas.

XIII. AND forasmuch as Appeals have been heretofore too frequently allowed, and Superfedeas granted, under Pretence of correcting the Errors of inferior Courts, where the Matter in Dispute hath been of small and inconsiderable Value, to the great Trouble and Vexation of His Majesty's Subjects: For Remedy whereof for the future,

Not grant-
able, where
the Debt or
Damage does
not exceed
£1. or 1000*lb.*
Tobacco.

Exception.

XIV. BE it Enacted, by the Authority aforesaid, That no Appeal shall be allowed, or Superfedeas granted, for reversing any Judgment or Decree given in any inferior Court of Record, or Court of Chancery, within this Dominion, in any Action or Suit whatsoever, where the Debt or Damage, or other Matter recovered in such Action or Suit, exclusive of the Costs, shall not exceed Five Pounds Current Money, or One Thousand Pounds of Tobacco, or the Value thereof; unless, in such Suit, the Title or Bounds of Lands shall be drawn in Question.

Chancery.

XV. AND for settling the Method of, and expediting Proceedings, in the General Court, in Chancery,

Rules.

XVI. BE it also Enacted, That in all Suits in the General Court, in Chancery, which shall be commenced from and after the said Fifteenth Day of April the following Rules and Methods shall be put in Practice, and observed: (To wit,)

Bill.

THAT the Complainant shall file his Bill within Four Days after the Return Day of the Subpœna to answer.

Costs.

THAT upon the Complainant's dismissing his Bail, or the Defendant dismissing the same for Want of Prosecution, the Complainant shall pay Costs, to be taxed by the Clerk of the Court, with a Lawyer's Fee; for which Costs, a Subpœna, or other Process of Contempt may issue, returnable on any Return Day: Provided, there be a Month's Time between the suing out such Process, and the Day of the Return thereof.

Amending.

THE Complainant may amend his Bill before the Defendant appears, or in a small Matter afterwards, without paying Costs: But if he amend after Appearance, and in a material Point, whereby the Defendant shall be put to any extraordinary Costs, such Costs shall be paid, before the Complainant shall be at Liberty to amend his Bill.

Contempt.

IF any Defendant shall stand out all Processes of Contempt, or, being brought into Court upon any such Process, shall obstinately refuse to answer the Complainant's Bill, the Complainant's Bill shall be taken *pro Confesso*, and the Matter thereof decreed accordingly.

Answer.

THE Defendant shall put in his Answer, to be filed with the Clerk in the Office, within Two Months after his Appearance; at the Expiration of which Time, if no Answer shall be put in, the Clerk, upon Request, shall issue an Attachment, returnable to the next Court: And if no Answer shall be put in upon the Return of the Attachment, such further Process of Contempt may issue, as is issuable out of the High Court of Chancery in England, in like Cases.

Subpœna.

NO Process of Contempt shall issue, without Oath made of the Service of the Subpœna, unless the same shall be returned served, by a sworn Officer.

WHEN

A. D. 1727.
Costs.

WHEN any Defendant shall be in Contempt for Want of an Answer, after the first Attachment, his Answer shall not be received, but upon Payment of Costs; and until he shall put in his Answer, and pay Costs, the Complainant shall be at Liberty to proceed against him for Contempt.

IF any Defendant shall stand out further Process of Contempt than an Attachment, before he puts in his Answer, on every Process subsequent thereto, the Costs shall be doubled. Double Costs.

THAT the Day of Appearance, upon any Subpoena, to answer any Suit in the General Court, in Chancery, shall be on the Fourth Day after the Return Day therein mentioned, in like Manner as is herein before provided, for entering Appearances on Process to enforce an Appearance at Common Law. Appearance.

EVERY Defendant shall be at Liberty to swear his Answer before any Judge or Justice of the General Court, or before any Justice of the Peace. Defendant may swear his Answer before a Magistrate.

WHEN any Cross Bill shall be preferred, the Defendant or Defendants in the First Bill, shall answer thereto, before the Defendant or Defendants in the Second Bill shall be compellable to put in his or their Answer to such Cross Bill. Cross Bill.

THE Complainant shall reply, or file Exceptions within Two Months after the Defendant's putting in his Answer: And if the Complainant, at the Expiration of that Time, shall neither reply, or file Exceptions, the Defendant may give the Complainant a Rule to reply, with the Clerk of the Court, in the Secretary's Office; which being expired, and no Replication or Exceptions filed, the Suit shall be dismissed, with Costs, and a Lawyer's Fee. Replication.

IF any Bill shall be dismissed for Want of a Replication, or other Proceedings, the Court, if they see Cause, may order the same to be retained, upon a Motion, and Payment of Costs. Exceptions.

IF the Complainant's Attorney shall give Notice to the Defendant's Attorney, that he doth except against the Answer of any Defendant or Defendants, as insufficient, and give a Rule with the Clerk in the Office, to make a better Answer within Two Months; if before the Expiration of such Rule, the Defendant shall put in a sufficient Answer, the same shall be received, without Costs: But if the Attorney of such Defendant or Defendants insists on the Sufficiency of the Answer so put in, and shall neglect or refuse to put in a sufficient Answer, or shall put in another insufficient Answer, the Plaintiff may file his Exceptions within a Month thereafter, to any such insufficient Answer; and may also set down such Exceptions to be argued the next succeeding General Court, giving the Defendant, or his Attorney, Ten Days Notice before the Day of Argument: And after Exceptions filed, or any Second insufficient Answer put in, no further or other Answer shall be received, but upon Payment of Costs. Insufficient Answer.

AND if, upon Argument, the Complainant's Exceptions shall be over-ruled, or the Defendant's Answer adjudged insufficient, the Complainant shall pay to the Defendant, or the Defendant to the Complainant, as the Case shall be, such Costs as shall be allowed by the Court. Exceptions over-ruled, or Answer adjudged insufficient, Costs per Curiam.

THAT upon every Second or Third Answer adjudged insufficient, Costs shall be doubled. 2d or 3d insufficient Answer, Costs doubled.

A. D. 1727.

4th insufficient
Answer,
Defendant to
answer Inter-
rogatories.

IF any Defendant shall put in a Fourth insufficient Answer which shall be so adjudged, such Defendant shall be examined upon Interrogatories, and committed 'til he shall perfectly answer those Interrogatories, and pay Costs.

Subpoena.

UPON adjudging any Answer insufficient, the Complainant may have one Subpoena for Costs, and another to make a better Answer; or one Subpoena for Costs, and to make a better Answer, at his Election.

Process of
Contempt.

IF the Defendant, after Process of Contempt, put in an insufficient Answer, which shall be so adjudged, the Complainant shall not be obliged to take out a new Subpoena, but may go on to the Attachment, with Proclamation and other Process of Contempt, as if no Answer had been put in.

Rules for
Pleadings.

THAT Rules to plead, reply, rejoin, and for further Proceedings, when necessary, shall be given from Month to Month, as is herein before directed for Rules to be given in Proceedings at Common Law.

Hearing.

WHERE the Complainant conceives sufficient Matter to be confessed, by the Defendant's Answer, he may set down the Cause for, and proceed to a Hearing, giving the Defendant, or his Attorney, such Notice as is required for Trial of Issues at Common Law.

Rejoinder.

NO Defendant shall be admitted to put in a Rejoinder, unless it be filed within Four Days after the Expiration of the Rule to rejoin; but the Complainant may proceed to the Examination of Witnesses.

Replication.

NO Rule to rejoin shall be given, before a Replication shall be filed.

Plea or De-
murrer.

AFTER an Attachment, with Proclamation, returned, no Plea or Demurrer shall be received, unless by Order of Court, upon a Motion.

Issues.

IF the Complainant conceives any Plea or Demurrer to be naught, either for the Matter or Manner of it, he may set it down, with the Clerk, to be argued; or if he thinks the Plea good, but not true, he may take Issue upon it, and proceed to Proofs, giving such Notice of Hearing as aforesaid; and if such Plea shall be adjudged false, the Complainant shall have the same Advantage, as if the same Plea were found false by Verdict at Common Law.

Plea or De-
murrer over-
ruled.

IF a Plea be pleaded, or Demurrer put in, and over-ruled, no other Plea or Demurrer shall thereafter be received; but the Defendant shall answer the Allegations of the Bill.

Argument.

THE Complainant, a Month after a Plea or Demurrer put in, may cause the same to be set down, to be argued: But if the Complainant shall not proceed to have the same set down to be argued, before the Second Court after such Plea or Demurrer put in, the Bill may be dismissed of Course, with Costs and a Lawyer's Fee.

Notice.

THE same Notice shall be given, of Arguing a Plea or Demurrer, as of Hearing, in other Cases.

Costs.

UPON a Plea or Demurrer, argued and over-ruled, Costs shall be paid, as where an Answer shall be adjudged insufficient; and the Defendant shall answer within Two Months after; but if adjudged good, the Defendant to have his Costs.

Refusal to
answer.

IF any Defendant shall obstinately insist on a Demurrer, and refuseth to answer, where the Court shall be of Opinion that sufficient Matter is alledged in

in the Bill to oblige him to answer, and for the Court to proceed upon, the Bill *A. D. 1727* shall be taken *pro Confesso*, and the Matter thereof decreed.

COMMISSIONS to examine Witnesses, may be issued of Course, by *Dedimus*, the Clerk of the Court, at any Time.

AFTER any Bill filed, and before the Defendant puts in his Answer, upon Oath made, that any of the Complainant's Witnesses are aged and infirm, or going beyond Sea, whereby the Complainant thinks he is in Danger of losing the Benefit of their Testimony, the Clerk may issue a *Dedimus*, to take the Examinations of such Witnesses, *de bene esse*, giving Notice so as to be valid, if the Complainant has not an Opportunity to take their Examinations in the ordinary Course of Proceedings.

WHEN any Cause shall be at Issue, and the Examination of Witnesses returned, if the Complainant shall not, within a Month thereafter, set down the Cause for Hearing, with the Clerk, in the Secretary's Office, the Defendant may have the Cause set down at his Request, and bring on the Cause to Hearing, giving the Complainant, or his Attorney, such Notice as is herein before directed; any former or other Law, Rule, or Custom, to the contrary hereof, in any-wise, notwithstanding. *Delay of Hearing.*

XVII. AND whereas, some Doubt hath heretofore been, Whether any, and what Allowance was settled by Law, for Witnesses attending the County Court, and inhabiting within the same County? For settling the same for the Future. *Allowance for Witnesses.*

XVIII. BE it further Enacted, by the Authority aforesaid, That every Person summoned to appear as Witness at any County Court, and being an Inhabitant of the same County, shall be paid by the Person or Persons at whose Suit the Summons issued, Thirty Pounds of Tobacco per Day, for every Day's Attendance upon such Summons. *Witnesses at County Courts inhabiting the County, 30lb. Tobacco per Day.*

XIX. AND be it further Enacted, by the Authority aforesaid, That the Clerk of every County Court shall and may, and is hereby authorized and empowered, to issue one or more Summons or Summonses, for any Person or Persons, to attend as Witnesses upon any Survey of Land, which shall be ordered to be made by the County Court. And if any Witness or Witnesses shall be an Inhabitant of another County, the Clerk of the same Court is hereby authorized and empowered, to issue one or more Summons or Summonses, into any other County or Counties where such Witness or Witnesses is or are an Inhabitant or Inhabitants, or most usually Resident: Which Summons or Summonses so to be issued, may be directed to the Sheriff or Coroner of that County whereof or wherein such Witness or Witnesses is or are an Inhabitant or Inhabitants, or most usually Resident. *County Court Clerk to issue Summons for Witnesses, on Surveys of Land.*

XX. AND if any Person summoned to attend as a Witness at any County Court, shall fail to attend accordingly; every Person so failing, shall forfeit and pay, to the Person or Persons, at whose Suit the Summons issued, Three Hundred and Fifty Pounds of Tobacco; and shall be further liable to an Action on the Case, for what Damages such Person shall sustain for Want of such Witness's Testimony. *Witness failing to attend, forfeits 300lb. Tobacco. And liable to further Damages.*

XXI. PROVIDED always, That if sufficient Cause be not shewn by the Person so summoned and failing to appear, of his or her Incapacity to attend at the Time he or she ought to have appeared, then no Forfeiture or Penalty shall be incurred by such Failure; but if sufficient Cause be not shewn at the next succeeding Court after such Failure, it shall and may be lawful for the said Court, upon the Motion of the Party for whom such Witness *Proviso, No Forfeiture, if sufficient Cause of Non-Appearance be shewn. But if such Causes be not shewn at the next Court,*

L. D. 1757. Witness was summoned, to grant Judgment for the Forfeiture afore-mentioned, against the Person or Persons so summoned and failing to appear, as aforesaid.

Justice of the Peace may issue Execution in Matters cognizable before him.

And grant Attachments for less than 20 s. Sterling, or 200 lb. Tobacco.

C. 11. 1710.

XXII. *AND be it also Enacted and Declared,* That when any Justice shall have given Judgment in any Matter cognizable before him, he shall and may, and is hereby declared to have full Power and Authority, to issue an Execution upon such Judgment; which may be directed to the Sheriff or Constable. And upon Complaint that any Person, indebted to the Complainant, in any less Sum than Twenty Shillings *Sterling*, or Two Hundred Pounds of Tobacco, is removing himself out of the County privately, or hath absconded, and conceals himself, so that a Warrant cannot be served upon him, it shall and may be lawful to and for any Justice of the Peace, taking Bond and Security as is directed by the Act of Assembly, *For establishing County Courts, and for regulating and settling the Proceedings therein*, to grant an Attachment against the Estate of such Debtor, or so much thereof as shall be of Value sufficient to satisfy the Debt of the Party praying such Attachment, returnable before himself, or any other Justice of the Peace of the County, who shall and may proceed thereupon, as upon an Attachment returnable to the County Court.

Attachment not replevied, Plaintiff to have Judgment.

Ch. 3. 1726.

Goods attached & not replevied, shall be sold, as Goods taken in Execution by *Fieri Facias*.

Arrest of Judgment.

XXIII. *AND* if any Attachment, returnable to the County Court or before a Justice of the Peace, shall be returned executed, and the Goods attached shall not be replevied, as the Law directs, the Plaintiff shall have Judgment for his whole Debt, and may take Execution thereupon: And all Goods taken upon an Attachment awarded by the County Court, or by any Justice of the Peace, and not replevied, as herein before is mentioned, shall be sold and disposed of, for and towards Satisfaction of the Plaintiff's Judgment, in the same Manner as Goods taken in Execution, upon a Writ of *Fieri Facias*.

XXIV. *AND* for the further Prevention of Delay, Trouble, and Vexation, by arresting and reversing Judgments given in the several Courts of Justice within this Colony and Dominion,

Statutes of Jeofails declared in Force.

XXV. *BE it further Enacted,* That the several Acts of Parliament heretofore made, and commonly called Statutes of Jeofails, and now in Force and Use in *England*, shall be and are hereby declared to be, for so much of the said Statutes as relates to any Mispleading, Jeofails, and Amendment, in full Force in this Dominion also.

XXVI. *AND* for the more speedy Recovery of small Debts, in the several County Courts of this Dominion,

Method of recovering small Debts.

XXVII. *BE it further Enacted,* That from and after the said Fifteenth Day of *April*, it shall and may be lawful, to and for the Justices of any County Court, to hear and determine all Suits thereafter to be brought, for any Debt or Demand, due by Judgment, Obligation, or Account, for any Sum or Sums of Money or Tobacco, of the Value of Twenty Shillings *Sterling*, or Two Hundred Pounds of Tobacco, and not exceeding the Sum of Five Pounds Current Money, or One Thousand Pounds of Tobacco, by Petition. And the said Justices are hereby authorised and required, and shall have full Power and Authority so to do, and to award Execution thereupon; and that, upon filing any such Petition in the Clerk's Office, a Summons of Course shall be issued, under the Hand of the Clerk, returnable to the next Court; which, together with the Copy of the Petition, shall be delivered to the Defendant, and the same being so delivered, or left at the usual Place of his Abode or Residence, Ten Days before the next succeeding Court, and Oath made of the due Service thereof, if the Defendant do not, or shall not then appear, it shall and may be lawful, to and for the said Justices, to hear and examine into the Truth of the Matter complained of, and to determine the Cause upon the Evidence produced,

or

or to dismiss the Petition, as to them shall seem just. And if the Defendant shall appear upon any such Summons, he shall put in such Answer or Plea thereto, as will bring the Matter of the Complaint in Issue : And thereupon, or if he shall fail to plead, the said Justices shall instantly proceed to hear and determine the Cause, in a summary Way, upon such Evidence as shall be given; and shall give Judgment according as the very Right of the Cause and Matter in Law shall appear unto them, without Regard to Form, or Want of Form, in the Process, Petition, or Course of Proceedings; so as sufficient Matter be set forth, whereupon the Court may give Judgment according to the very Right of the Cause : In which Proceedings, the Defendant shall have the Benefit of all Matters in his Defence, that he might have had, if he had been sued in the ordinary Forms of Law. A. D. 1727.

XXVIII. *AND be it further Enacted*, That the Clerk of every County Court, shall and may issue Summonses for Witnesses to attend the Trial of any such Petition; who shall be paid for Attendance, and be subject to the same Forfeiture, on Failure to appear and attend the Trial, as herein before is mentioned and expressed. Witnesses:

XXIX. *AND be it further Enacted*, That from and after the Commencement of this Act, when any Process shall be sued forth, or any Suit either in Law or Equity shall be commenced and prosecuted in any Court, or before any Judge or Magistrate within this Colony, by Virtue of any Letter or Warrant of Attorney, or Letter or Warrant of Substitution, or by Virtue of any other Deputation or Power, from any Person or Persons residing in other Parts than within this Colony, against any Person or Persons inhabiting within this Colony; such Person so suing forth such Process, or commencing or prosecuting any Suit, at his or their first Appearance, or at any Time thereafter, when thereunto required, shall give good and sufficient Security with the Clerk of the General Court, or in the Court of the County, or other Court, where such Process shall be sued out, or Suit depending, to satisfy and pay to the Party prosecuted, all such Damages, Costs, and Charges, as upon the same Suit shall be awarded to him, her, or them, by the Court, Judge or Magistrate, before whom the Suit shall be heard and determined : And if such Person or Persons shall fail to give such Security, being thereunto required, the Suit shall thereupon abate, and the Party prosecuted, shall be thence dismissed, without Day. And that one Act of a General Assembly of this Colony, intituled, *An Act for Attorneys prosecuting Suits on Behalf of Persons out of the Country, to give Security for Payment of such Costs and Damages as shall be awarded against them*, is and shall be from henceforth hereby repealed and made void, to all Intents and Purposes, as if the same had never been made. Attornies for Persons out of this Colony, to give Security at their first Appearance, or when thereunto required, for Payment of Costs and Damages.
On Failure of giving such Security, Suit abates.
Repeal of Ch. 36, 1705.

XXX. *AND be it further Enacted, by the Authority aforesaid*, That this Act shall be in Force from the said Fifteenth Day of April, One Thousand Seven Hundred and Twenty Eight, for and during the Space of Four Years then next ensuing, and from thence to the End of the next Session of Assembly. This Act to be in Force, to 15 April, 1732, & from thence to the End of the next Session of Assembly.

A.D. 1712.

C H A P. V.

*Repealed by Act of
Assembly passed 1753.*

*An Act to continue and make perpetual, an Act therein mentioned :
And for empowering any Judge of the General Court to take Bail,
when the said Court is not sitting ; and to oblige Defendants to pay
Costs, upon Over-ruling a Plea in Abatement ; and for allowing
any Person to plead several Matters.*

Preamble.

A.D. 1 Geo. 2.
Cap. 3.Expiring at
the End of
this Session.

I. **W**HEREAS the Act made in the First Year of His Majesty's Reign, intituled, *An Act for preventing Delays in Courts of Justice ; for expediting and better settling the Proceedings in the General Court ; and for the more speedy and easy Recovery of small Debts ; and for repealing an Act for obliging Attornies prosecuting Suits, in Behalf of Persons out of the Country, to give Security for paying all Costs and Damages ; and declaring in what Manner such Security shall be hereafter given,* will expire at the End of this Session of Assembly : And whereas the said Act has been found beneficial, to answer the End and Design thereof,

Is now made
perpetual.

II. **B**E it therefore Enacted, by the Lieutenant-Governor, Council, and Burgeses of this present General Assembly, and it is hereby Enacted, by the Authority of the same, That the before-mentioned Act, and every Clause, Matter, and Thing therein contained, shall stand and remain in full Force, and be perpetual.

Any Judge
of the Gene-
ral Court, to
take Bail out
of Court, *de
bene esse* ;Which may
be excepted
to.

III. **A**ND be it further Enacted, by the Authority aforesaid, That it shall and may be lawful, to and for any Judge or Justice of the General Court, and every such Judge or Justice is hereby authorized and empowered, when the said Court is not Sitting, to take a Recognizance of Bail, in any Action in the said Court depending, which shall be taken *de bene esse* ; and if the Plaintiff, or his Attorney, shall except to the Sufficiency of the Bail so taken, Notice shall be given of such Exception, to the Defendant, or his Attorney, at least Ten Days before the next succeeding General Court ; and if the Bail so taken, shall be judged insufficient by the Court, the Recognizance thereof shall be discharged, and such Proceedings shall and may be had against the Defendant or Defendants, as if no such Bail had been taken as aforesaid : But if the Bail so taken, shall be adjudged sufficient, or shall not be excepted to, within the Time aforesaid, then such Bail shall stand, and be chargeable in the same Manner, to all Intents and Purposes, as if the Recognizance had been taken in Court.

On a Plea in
Abatement o-
ver-rul'd, De-
fendant to pay
full Costs.Party may
plead several
Matters.

IV. **A**ND for a further Prevention of vexatious Delays, Be it Enacted, by the Authority aforesaid, That where a Plea in Abatement shall be pleaded, in any Action in the said Court depending, and upon Argument, the same shall be adjudged insufficient, the Plaintiff or Plaintiffs in any such Action, shall recover against the Defendant or Defendants full Costs, to the Time of Over-ruling such Plea, including the Costs of that Court in which such Plea shall be over-ruled, (a Lawyer's Fee only excepted :) And that the Plaintiff in Replevin, or the Defendant in any other Action, may, with the Leave of the Court, plead as many several Matters, as he shall think necessary for his Defence, so as they be not admitted to plead and demur to the Whole.

C H A P. III.

A. D. 1744.

An Act to settle the Distribution of the Salary, allowed by His Majesty, to the Council of this Colony.

I. WHEREAS His Majesty hath been graciously pleased to grant unto the Members of His Council of this Colony, the Yearly Sum of Six Hundred Pounds *Sterling*, out of His Revenues, as a Salary or Reward for their Services; and whereas, by the Act of Assembly, made in the Fourth Year of the Reign of the late Queen Anne, *For establishing the General Court, and for regulating and settling the Proceedings therein*, the said Court is Established, and Declared to consist of the Governor, and the Council aforesaid; and the said Judges are directed, at the Time of entering into Office, to take an Oath, therein particularly set forth, under a Penalty, in which Oath, among other Things, they swear, "That they shall not take any Fees or other Gratuity, of any Person, great or small, except such Salary as shall be by Law appointed." And whereas a Doubt has lately arisen, whether the Members of the said Council, as Judges of the General Court, can, with Safety, take or receive the said Salary, and proportion the same, according to their Attendance in the said General Court, as has been long practised, and always thought very reasonable and proper: Therefore, for obviating all Scruples touching this Matter,

Preamble.

II. BE it Enacted by the Lieutenant-Governor, Council, and Burgeses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same, That the true Intent and Meaning of the said recited Words in the Oath aforesaid, is, and it is hereby declared to be, as it has always been understood, only to restrain the said Judges, or any of them, from receiving or taking any Gift or Gratuity, from any Person or Persons whatsoever, towards the Delay or Obstruction of Justice; and not to debar or restrain them from receiving and taking to their own Benefit, the said Six Hundred Pounds *Sterling*, or any Part thereof, in the Capacity of Judges of the General Court, or any Sum or Sums of Money, or other Salary or Salaries whatsoever, which the King's Majesty, His Heirs and Successors, shall think fit and reasonable, from Time to Time, to allot and allow them, for such their Service; or from making such Distribution of their Salary or Allowance, as to the Members of the said Council shall seem reasonable and proper; but it is hereby declared lawful for them to accept and receive such Salaries and Allowances from Time to Time, in the same Manner as if given and granted by Act or Acts of Parliament, or of the General Assembly of this Colony.

Certain Words in the Oath of a Judge of the General Court declared, only to restrain the Judges of that Court from receiving Bribes; and not the Salaries allowed, or to be allowed them, by the King, his Heirs and Successors, or to make Distribution thereof among themselves; but the same is declared lawful.

C H A P. III.

A. D. 1746.

An Act, to amend the Act, for Establishing the General Court; and for regulating and settling the Proceedings therein.

Repealed by Act of Assembly passed 1750

I. WHEREAS, by one Act of Assembly, made in the Fourth Year of the Reign of the late Queen Anne, intituled, *An Act for Establishing the General Court, and for regulating and settling the Proceedings therein*, it is, among other Things, Enacted, That the said General Court shall be held Two Times every Year; (to wit,) One Court shall begin upon the Fifteenth Day of April, if not on a Sunday, and then on the Monday thereafter, and shall continue to be held Eighteen natural Days, Sundays exclusive; and the other Court shall begin on the Fifteenth Day of October, if not on a Sunday, and then on Monday thereafter, and shall continue to be held Eighteen natural Days, Sundays

Recital.

A. D. 1746.

Sundays exclusive: And whereas the Business of the said Court is, of late, so greatly increased, that the Times aforesaid are not sufficient to go through the same; and thereby Suitors are much delayed, and put to great Charges: For Remedy whereof,

General
Courts shall
begin April
10, and Oa-
ber 10, Year-
ly; and each
Court shall
continue to be
held 24 Days,
Sundays exclu-
sive.

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgeses of this present General Assembly, and it is hereby Enacted, by the Authority of the same, That for the Future, one of the said Courts shall begin upon the Tenth Day of April, if not on a Sunday, and then on the Monday thereafter, and shall continue to be held Twenty Four natural Days, Sundays exclusive; and the other Court shall begin upon the Tenth Day of October, if not on a Sunday, and then on the Monday thereafter; and shall continue to be held Twenty Four natural Days, Sundays exclusive.*

But may ad-
journ, if the
Business is
ended in less
Time.

III. *PROVIDED always, That if the Business of the said Court shall be ended in less Time than the Days appointed by this Act for the Judges or Justices of the said Court to sit, in such Case it shall be lawful for them to adjourn themselves until the next succeeding General Court.*

Days appoint-
ed for hearing
and determi-
ning Causes.

IV. *AND be it further Enacted, by the Authority aforesaid, That the First Five Days of every General Court, be appointed for hearing and determining Suits in Chancery depending in the said Court, Appeals from Decrees of the County Courts, or other inferior Courts, in Chancery, and Writs of Superfedeas to such Decrees; and that the other Days be appointed for trying Suits or Prosecutions, on Behalf of His Majesty, and all other Matters whatsoever, there depending; and the Clerk of the Court is hereby required to regulate the Docket accordingly, proportioning the said Suits and Causes to such of the said Days as will be most convenient: And that instead of the Return Days, now by Law established, Process at the Suit of His Majesty on Criminal Prosecutions, be returnable to the Sixth Day of every General Court; Process on Petitions for lapsed Land, to the Seventh Day; Appeals from Decrees in Chancery obtained in County Courts, or other inferior Courts, to the Third Day; Appeals from Judgment of the last mentioned Courts, to the Eighth Day, instead of the Sixth Day; to the Ninth Day, instead of the Seventh Day; to the Tenth Day; instead of the Eighth Day; to the Eleventh Day, instead of the Ninth Day; and to the Twelfth Day, instead of the Tenth Day: And that all Writs of Superfedeas, and Writs of Error, to such Decrees or Judgments, be returnable to the same Day as Appeals therefrom; and all other Writs of Subpœnas in Chancery, and other Process, to the First and Twentieth Days of every General Court.*

Docket to be
regulated ac-
cordingly.
Return Days
altered.

Repealing
Clause, and
Commence-
ment of the
Act.

V. *AND be it further Enacted, by the Authority aforesaid, That so much of the said recited Act, and of any other Act, as is contrary to this Act, be, and the same is hereby repealed; and this Act shall commence and be in Force, on the last Day of May next.*

A. D. 1705.

C H A P. XXXV.

An Act for Limitation of Actions, and avoiding of Suits.

Limitation
of Actions, ex-
cept Accounts
between Mer-
chants, &c.

I. *FOR avoiding of Law Suits, BE it Enacted, by the Governor, Council, and Burgeses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same, That all Actions of Trespass, Quare Clausum fregit, all Actions of Trespass, Detinue, Action Sur Trover, and Replevin, for taking away of Goods and Cattle, all Actions of Account, and upon the Case, other than such Accounts as concern the Trade of Merchandize between Merchant and Merchant, their Factors or Servants, all Actions of Debt grounded*

Case, Ac-
count, Tres-
pass, Debt,
Detinue, Re-

grounded upon any Lending or Contract, without Specialty, all Actions of Debt for Arrearages of Rent, all Actions of Assault, Menace, Battery, Wounding, and Imprisonment, or any of them, which shall be sued, or brought, at any Time after the End of this present Session of Assembly, shall be commenced and sued within the Time and Limitation hereafter expressed, and not after; (that is to say,) The said Actions upon the Case, (other than for Slander;) and the said Actions for Account; and the said Actions for Trespass, Debt, Detinue, and Replevin, for Goods and Cattle, and the said Actions for Trespass, *Quare Clausum fregit*, within Two Years next after the End of this present Session of Assembly, or within Five Years next after the Cause of such Actions or Suits, and not after; and the said Actions of Trespass, of Assault, Battery, Wounding, Imprisonment, or any of them, within One Year next after the End of this present Session of Assembly, or within Three Years next after the Cause of such Actions or Suits, and not after; and the said Actions upon the Case for Words, within One Year after the End of this present Session of Assembly, or within One Year next after the Words spoken, and not after.

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Replevin, and
Quare Clausum fregit, shall be brought within 5 Years after Cause of Action accrued.
Assault, Battery, Wounding, and Imprisonment, in 3 Years.
Slander, in 1 Year after the Words spoken.

II. *PROVIDED* nevertheless, and be it Enacted, That if in any of the said Actions or Suits, Judgment be given for the Plaintiff, and the same be afterwards reversed by Error; or a Verdict pass for the Plaintiff, and upon Matter alledged in Arrest of Judgment, the Judgment be given against the Plaintiff, that he take nothing by his Plaint, Writ, or Bill; or if any of the said Actions shall be brought by Original, and the Defendant therein, be outlawed, and shall after reverse the Outlawry, that in all such Cases, the Party Plaintiff, his Heirs, Executors, or Administrators, as the Case shall require, may commence a new Action or Suit, from Time to Time, within One Year after such Judgment reversed, or such Judgment given against the Plaintiff or Outlawry reversed, and not after.

Provido, if a Judgment given for the Plaintiff be reversed by Writ of Error or Appeal, or if the Defendant be outlaw'd, and reverse the Outlawry, Plaintiff may re-commence his Action within 1 Year.

III. *AND* be it further Enacted, That in all Actions of Trespass, *Quare Clausum fregit*, hereafter to be brought, wherein the Defendant or Defendants shall disclaim, in his or their Plea, to make any Title or Claim to the Land, in which the Trespass is, by the Declaration, supposed to be done, and the Trespass be by Negligence, or Involuntary, the Defendant or Defendants shall be admitted to plead a Disclaimer; and that the Trespass was by Negligence, or Involuntary, and a Tender or Offer of sufficient Amends for such Trespass, before the Action brought, whereupon, or upon some of them, the Plaintiff or Plaintiffs shall be enforced to join Issue: And if the said Issue be found for the Defendant or Defendants, or the Plaintiff or Plaintiffs shall be nonsuited, the Plaintiff or Plaintiffs shall be clearly barred from the said Action or Actions, and all other Suit concerning the same.

In Actions of Trespass, *Quare Clausum fregit*, where the Defendant pleads a Disclaimer and involuntary Trespass, with Tender of Amends before Action brought, Plaintiff shall join Issue, and if that be found for the Defendant, or the Plaintiff be nonsuited, he shall be barr'd, &c.

IV. *AND* be it further Enacted, by the Authority aforesaid, That in all Actions upon the Case, for slanderous Words, to be sued or prosecuted by any Person or Persons in the General Court of this Dominion, or in any Court whatsoever; that hath Power to hold Plea of the same, after the End of this present Session of Assembly, if the Jury, upon the Trial of the Issue in such Action, or the Jury that shall inquire of the Damages, do find or assess the Damages under Forty Shillings; then the Plaintiff or Plaintiffs in such Action shall have and recover only so much Costs as the Damages so given or assessed amount unto; without any further Increase of the same; any Law, Statute; Custom or Usage to the contrary, in any-wise, notwithstanding.

In Slander, if the Damages assessed, be under 40 s. Plaintiff shall have no more Costs than Damages.

V. *PROVIDED* nevertheless, and be it further Enacted, That if any Person or Persons, that is or shall be entitled to any such Action of Trespass, Detinue, Action Sur-Trover, Replevin, Actions of Account, Actions of Debt, Actions of Trespass for Assault, Menace, Battery, Wounding, or Imprisonment, be, or shall be, at the Time of any such Cause of Action given or ac-

Persons, at the Time of Action accrued, being within Age, Feme-Covert, Non Compos Mentis, imprisoned, or out

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of the Coun-
try, may bring
Suit within
the Time li-
mited, after
such Impedi-
ments remo-
ved.

crued, fallen or come, within the Age of Twenty One Years, Feme-Covert, *Non Compos Mentis*, imprisoned, beyond the Sea, or out of the Country; that then such Person or Persons shall be at Liberty to bring the same Actions, so as they take the same within such Times as are before limited, after their coming to or being full of Age, Discoverd, of sane Memory, at Large, and returned from beyond the Seas, or from without this Country, as by other Persons, having no such Impediment, should be done.

Defendant
concealing
himself, or re-
moving out of
the Country,
or County,
shall have no
Benefit by
this Act.

VI. *PROVIDED* also, and be it further Enacted, That if any Person or Persons, Defendant or Defendants to any of the aforesaid Actions, shall abscond or conceal themselves, or by Removal out of the Country, or the County where he or they do or shall reside, when such Cause of Action accrued; or by any other indirect Ways or Means, defeat or obstruct any Person or Persons who have Title thereto, from bringing and maintaining all or any of the aforesaid Actions within the respective Times limited by this Act; that then, and in such Cases, such Defendant or Defendants are not to be admitted to plead this Act in Bar, to any of the aforesaid Actions; any Thing in this Law, in any-wise to the contrary, notwithstanding.

C H A P. XLIX.

An Act concerning Servants and Slaves.

*Repeated by act of
assembly passed
1753*

Christian
Servants, im-
ported with-
out Indentures
and being a-
bove 19 Years
of Age, shall
serve 5 Years,
if under 19,
'til they be-
come 24.

I. **B**E it Enacted, by the Governor, Council, and Burgeses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same, That all Servants brought into this Country without Indenture, if the said Servants be Christians, and of Christian Parentage, and above Nineteen Years of Age, shall serve but Five Years; and if under Nineteen Years of Age, 'til they shall become Twenty Four Years of Age, and no longer.

But shall,
within 6
Months after
Arrival, be
brought be-
fore the Coun-
ty Court, to
have their Age
adjudged and
recorded; and
on Neglect
thereof, shall
serve but 5
Years, altho'
under 19.

II. *PROVIDED* always, That every such Servant be carried to the County Court, within Six Months after his or her Arrival into this Colony, to have his or her Age adjudged by the Court, otherwise shall be a Servant no longer than the accustomed Five Years, although much under the Age of Nineteen Years; and the Age of such Servant being adjudged by the Court, within the Limitation aforesaid, shall be entered upon the Records of the said Court, and be accounted, deemed, and taken, for the true Age of the said Servant, in Relation to the Time of Service aforesaid.

Servants
pretending to
have Inden-
tures, but not
producing a-
ny within 2
Months after
being brought
before a Jus-
tice, shall be
barr'd from
claiming any
Benefit of an
Indenture.

III. *AND* also be it Enacted, by the Authority aforesaid, and it is hereby Enacted, That when any Servant sold for the Custom, shall pretend to have Indentures, the Master or Owner of such Servant, for Discovery of the Truth thereof, may bring the said Servant before a Justice of the Peace; and if the said Servant cannot produce the Indenture then, but shall still pretend to have One, the said Justice shall assign Two Months Time for the doing thereof; in which Time, if the said Servant shall not produce his or her Indenture, it shall be taken for granted that there never was One, and shall be a Bar to his or her Claim of making use of One afterwards, or taking any Advantage by One.

Who shall
be Slaves.

IV. *AND* also be it Enacted, by the Authority aforesaid, and it is hereby Enacted, That all Servants imported and brought into this Country, by Sea or Land, who were not Christians in their Native Country, (except Turks and Moors in Amity with Her Majesty, and Others that can make due Proof of their being Free in England, or any other Christian Country, before they were shipped, in order to Transportation hither) shall be accounted and be Slaves, and as such be here bought and sold, notwithstanding a Conversion to Christianity afterwards.

V. *AND*

V. *AND be it Enacted, by the Authority aforesaid, and it is hereby Enacted,* That if any Person or Persons shall hereafter import into this Colony, and here sell as a Slave, any Person or Persons that shall have been a Freeman in any Christian Country, Island, or Plantation, such Importer and Seller as aforesaid, shall forfeit and pay, to the Party from whom the said Freeman shall recover his Freedom, double the Sum for which the said Freeman was sold: To be recovered, in any Court of Record within this Colony, according to the Course of the Common Law, wherein the Defendant shall not be admitted to plead in Bar, any Act or Statute for Limitation of Actions.

A. D. 1705.

Penalty on Persons importing Free-men, and selling such as Slaves.

VI. *PROVIDED always,* That a Slave's, being in *England*, shall not be sufficient to discharge him of his Slavery, without other Proof of his being manumitted there.

Having been in *England*, no Discharge, from Slavery.

VII. *AND also be it Enacted, by the Authority aforesaid, and it is hereby Enacted,* That all Masters and Owners of Servants, shall find and provide for their Servants, wholesome and competent Diet, Cloathing, and Lodging, by the Discretion of the County Court; and shall not, at any Time, give immoderate Correction; neither shall, at any Time, whip a Christian white Servant naked, without an Order from a Justice of the Peace: And if any, notwithstanding this Act, shall presume to whip a Christian white Servant naked, without such Order, the Person so offending, shall forfeit and pay for the same, Forty Shillings *Sterling*, to the Party injured: To be recovered, with Costs, upon Petition, without the formal Process of an Action, as in and by this Act is provided for Servants Complaints to be heard; provided Complaint be made within Six Months after such Whipping.

Duty of Masters to their Servants.

Shall not whip a Christian white Servant naked, without Order from a Justice of Peace, on Penalty of 40s. to the Party injured, recoverable, by Petition to the Court, within 6 Months.

VIII. *AND also be it Enacted, by the Authority aforesaid, and it is hereby Enacted,* That all Servants, (not being Slaves,) whether imported, or become Servants of their own Accord here, or bound by any Court or Churchwardens, shall have their Complaints received by a Justice of the Peace, who, if he finds Cause, shall bind the Master over to answer the Complaint at Court; and it shall be there determined: And all Complaints of Servants, shall and may, by Virtue hereof, be received at any Time, upon Petition, in the Court of the County wherein they reside, without the formal Process of an Action; and also full Power and Authority is hereby given to the said Court, by their Discretion, (having first summoned the Masters or Owners to justify themselves, if they think fit,) to adjudge, order, and appoint what shall be necessary, as to Diet, Lodging, Cloathing, and Correction: And if any Master or Owner shall not thereupon comply with the said Court's Order, the said Court is hereby authorised and empowered, upon a Second just Complaint, to order such Servant to be immediately sold at an Outcry, by the Sheriff, and after Charges deducted, the Remainder of what the said Servant shall be sold for, to be paid and satisfied to such Owner.

Servants Complaints, how to be heard and determined.

Remedy upon a 2d Complaint.

IX. *PROVIDED always, and be it Enacted,* That if such Servant be so sick or lame, or otherwise rendered so incapable, that he or she cannot be sold for such a Value, at least, as shall satisfy the Fees, and other incident Charges accrued, the said Court shall then order the Churchwardens of the Parish to take Care of and provide for the said Servant, until such Servant's Time, due by Law to the said Master or Owner, shall be expired, or until such Servant shall be so recovered, as to be sold for defraying the said Fees and Charges: And further, the said Court, from Time to Time, shall order the Charges of keeping the said Servant, to be levied upon the Goods and Chattels of the Master or Owner of the said Servant, by Distress.

X. *AND be it also Enacted,* That all Servants, whether by Importation, Indenture, or Hire here, as well Feme-Coverts, as Others, shall, in like Manner, as is provided, upon Complaints of Misusage, have their Petitions received

Servants shall have Remedy for their Wages by Petition.

A. D. 1705. in Court, for their Wages and Freedom, without the formal Process of an Action; and Proceedings, and Judgment, shall, in like Manner also, be had thereupon.

XI. AND for a further Christian Care and Usage of all Christian Servants, *Be it also Enacted, by the Authority aforesaid, and it is hereby Enacted,* That no Negroes, Mulattoes, or Indians, although Christians, or Jews, Moors, Mahometans, or other Infidels, shall, at any Time, purchase any Christian Servant, nor any other, except of their own Complexion, or such as are declared Slaves by this Act: And if any Negroe, Mulattoe; or Indian, Jew, Moor, Mahometan, or other Infidel, or such as are declared Slaves by this Act, shall, notwithstanding, purchase any Christian white Servant, the said Servant, shall, *ipso Facto*, become free and acquit from any Service then due, and shall be so held, deemed, and taken: And if any Person, having such Christian Servant, shall intermarry with any such Negroe, Mulattoe, or Indian, Jew, Moor, Mahometan, or other Infidel, every Christian white Servant of every such Person so intermarrying, shall, *ipso Facto*, become free and acquit from any Service then due to such Master or Mistres so intermarrying, as aforesaid.

XII. AND also be it Enacted, by the Authority aforesaid, and it is hereby Enacted, That no Master or Owner of any Servant shall, during the Time of such Servant's Servitude, make any Bargain with his or her said Servant for further Service, or other Matter or Thing relating to Liberty, or Personal Profit, unless the same be made in the Presence, and with the Approbation, of the Court of that County where the Master or Owner resides: And if any Servants shall, at any Time, bring in Goods or Money, or during the Time of their Service, by Gift, or any other lawful Ways or Means, come to have any Goods or Money, they shall enjoy the Propriety thereof, and have the sole Use and Benefit thereof to themselves. And if any Servant shall happen to fall sick or lame during the Time of Service, so that he or she becomes of little or no Use to his or her Master or Owner, but rather a Charge, the said Master or Owner shall not put away the said Servant, but shall maintain him or her, during the whole Time he or she was before obliged to serve, by Indenture, Custom, or Order of Court: And if any Master or Owner shall put away any such sick or lame Servant, upon Pretence of Freedom, and that Servant shall become chargeable to the Parish, the said Master or Owner shall forfeit and pay Ten Pounds Current Money of *Virginia*, to the Churchwardens of the Parish where such Offence shall be committed, for the Use of the said Parish: To be recovered by Action of Debt, in any Court of Record in this Her Majesty's Colony and Dominion, in which no Effoin, Protection, or Wager of Law, shall be allowed.

XIII. AND whereas there has been a good and laudable Custom of allowing Servants Corn and Cloaths for their present Support, upon the Freedom; but nothing in that Nature ever made certain, *Be it also Enacted, by the Authority aforesaid, and it is hereby Enacted,* That there shall be paid and allowed to every imported Servant, not having Yearly Wages, at the Time of Service ended, by the Master or Owner of such Servant, *viz.* To every Male Servant, Ten Bushels of *Indian* Corn, Thirty Shillings in Money, or the Value thereof, in Goods, and One well fixed Musquet or Fuzee, of the Value of Twenty Shillings, at least; and to every Woman Servant, Fifteen Bushels of *Indian* Corn, and Forty Shillings in Money, or the Value thereof, in Goods: Which, upon Refusal, shall be ordered, with Costs, upon Petition to the County Court, in Manner as is herein before directed, for Servants Complaints to be heard.

XIV. AND also be it Enacted, by the Authority aforesaid, and it is hereby Enacted, That all Servants shall faithfully and obediently, all the whole Time of their Service, do all their Masters or Owners just and lawful Commands.

mands. And if any Servant shall resist the Master, or Mistress, or Overseer, or offer Violence to any of them, the said Servant shall; for every such Offence, be adjudged to serve his or her said Master or Owner, One whole Year after the Time, by Indenture, Custom, or former Order of Court, shall be expired.

XV. *AND also be it Enacted, by the Authority aforesaid, and it is hereby Enacted,* That no Person whatsoever shall buy, sell, or receive of, to, or from, any Servant, or Slave, any Coin or Commodity whatsoever, without the Leave, License, or Consent, of the Master or Owner of the said Servant, or Slave: And if any Person shall, contrary hereunto, without the Leave or License aforesaid, deal with any Servant, or Slave, he or she so offending, shall be imprisoned One Calendar Month, without Bail or Mainprize; and then, also continue in Prison, until he or she shall find good Security, in the Sum of Ten Pounds Current Money of *Virginia*, for the Good Behaviour for One Year following; wherein, a Second Offence shall be a Breach of the Bond; and moreover shall forfeit and pay Four Times the Value of the Things so bought, sold, or received, to the Master or Owner of such Servant or Slave: To be recovered, with Costs, by Action upon the Case, in any Court of Record in this Her Majesty's Colony and Dominion; wherein no Effoin, Protection, or Wager of Law, or other than One Imparlance, shall be allowed.

XVI. *PROVIDED always, and be it Enacted,* That when any Person or Persons convict for dealing with a Servant, or Slave, contrary to this Act, shall not immediately give good and sufficient Security for his or her Good Behaviour, as aforesaid; then, in such Case, the Court shall order Thirty Nine Lashes, well laid on, upon the bare Back of such Offender, at the common Whipping-Post of the County, and the said Offender to be thence discharged of giving such Bond and Security.

XVII. *AND also be it Enacted, by the Authority aforesaid, and it is hereby Enacted and Declared,* That in all Cases of Penal Laws, whereby Persons Free are punishable by Fine, Servants shall be punished by Whipping, after the Rate of Twenty Lashes for every Five Hundred Pounds of Tobacco, or Fifty Shillings Current Money, unless the Servant so culpable, can and will procure some Person or Persons to pay the Fine; in which Case the said Servant shall be adjudged to serve such Benefactor, after the Time by Indenture, Custom, or Order of Court, to his or her then present Master or Owner, shall be expired, after the Rate of One Month and a Half for every Hundred Pounds of Tobacco; any Thing in this Act contained, to the contrary, in any-wise, notwithstanding.

XVIII. *AND if any Woman Servant shall be delivered of a Bastard Child within the Time of her Service aforesaid, Be it Enacted, by the Authority aforesaid, and it is hereby Enacted,* That in Recompence of the Loss and Trouble occasioned her Master or Mistress thereby, she shall, for every such Offence, serve her said Master, or Owner, One whole Year after her Time by Indenture, Custom, and former Order of Court, shall be expired; or pay her said Master, or Owner, One Thousand Pounds of Tobacco; and the reputed Father, if Free, shall give Security to the Churchwardens of the Parish where that Child shall be, to maintain the Child, and keep the Parish indemnified; or be compelled thereto by Order of the County Court, upon the said Churchwardens Complaint: But if a Servant, he shall make Satisfaction to the Parish, for keeping the said Child, after his Time by Indenture, Custom, or Order of Court, to his then present Master, or Owner, shall be expired; or be compelled thereto, by Order of the County Court, upon Complaint of the Churchwardens of the said Parish, for the Time being. And if any Woman Servant shall be got with Child by her Master, neither the said Master, nor his Executors, Administrators, nor Assigns, shall have any Claim or Service against her, for or by

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Duty of Servants. Resistance or Violence offered to the Master, &c. punishable by 1 Year's Service.

Persons trading or dealing with Servants or Slaves, without their Master's License, shall be imprisoned 1 Month, without Bail, bound to the Good Behaviour 1 Year, forfeit 10 l. and Four Times the Value of the Goods bought, sold, &c. and a 2d Offence shall be a Breach of the Behaviour &c.

Persons convicted, &c. failing to give Security for the Good Behaviour, shall receive 39 Lashes, &c.

Servants guilty of Breach of Penal Laws shall be whipt, in Lieu of paying the Fines, at the Rate of 20 Lashes for 500 lb. Tob. or 50 s. unless Security be given for Payment of the Fine, &c.

Women Servants delivered of Bastards, shall, for each Offence, serve 1 Year, or pay 1000 lb. Tob. to the Master; and the reputed Father of such Child, shall, if a Freeman, give Security, &c. to indemnify the Parish, &c. & if a Servant, shall make Satisfaction to the Parish, by Service, &c. But if a Master gets his Servant with Child, he shall claim no Service thereby, and the Wo-

A. D. 1705. Reason of such Child; but she shall, when her Time due to her said Master, by Indenture, Custom, or Order of Court, shall be expired, be sold by the Churchwardens for the Time being, of the Parish wherein such Child shall be born, for One Year, or pay One Thousand Pounds of Tobacco; and the said One Thousand Pounds of Tobacco, or whatever she shall be sold for, shall be employed, by the Vestry, to the Use of the said Parish. And if any Woman Servant shall have a Bastard Child by a Negroe, or Mulattoe, over and above the Year's Service due to her Master or Owner, she shall immediately upon the Expiration of her Time to her then present Master or Owner, pay down to the Churchwardens of the Parish wherein such Child shall be born, for the Use of the said Parish, Fifteen Pounds Current Money of *Virginia*, or be by them sold for Five Years, to the Use aforesaid: And in both the said Cases, the Churchwardens shall bind the said Child to be a Servant, until it shall be Thirty One Years of Age.

man shall be sold for One Year, or pay 1000 lb. Tob. to the Use of the Parish.
Women Servants having Bastards by Negroes, &c. shall pay 15 l. Current Money, or be sold for 5 Years, & the Child to be bound to Service, 'til 31 Years of Age.
Persons intermarrying with Negroes, or Mulattoes, shall be imprisoned 6 Months, without Bail, and forfeit 10 l. Current Money.

XIX. AND for a further Prevention of that abominable Mixture and spurious Issue, which hereafter may increase in this Her Majesty's Colony and Dominion, as well by *English*, and other white Men and Women intermarrying with Negroes or Mulattoes, as by their unlawful Coition with them, *Be it Enacted, by the Authority aforesaid, and it is hereby Enacted*, That whatsoever *English*, or other white Man or Woman, being Free, shall intermarry with a Negroe or Mulattoe Man or Woman, Bond or Free, shall, by Judgment of the County Court, be committed to Prison, and there remain during the Space of Six Months, without Bail or Mainprize; and shall forfeit and pay Ten Pounds Current Money of *Virginia*, to the Use of the Parish, as aforesaid.

Ministers shall not marry white Persons with Negroes, or Mulattoes.

On Penalty of 10000 lb. Tobacco.

XX. AND be it further Enacted, That no Minister of the Church of *England*, or other Minister, or Person whatsoever, within this Colony and Dominion, shall hereafter wittingly presume to marry a white Man with a Negroe or Mulattoe Woman; or to marry a white Woman with a Negroe or Mulattoe Man, upon Pain of forfeiting and paying, for every such Marriage, the Sum of Ten Thousand Pounds of Tobacco; One Half to our Sovereign Lady the Queen, her Heirs and Successors, for and towards the Support of the Government; and the contingent Charges thereof, and the other Half to the Informer: To be recovered, with Costs, by Action of Debt, Bill, Complaint, or Information, in any Court of Record within this Her Majesty's Colony and Dominion, wherein no Effoin, Protection, or Wager of Law, shall be allowed.

Servants, upon the Expiration of their Time of Service, shall have their Freedom recorded in the County Court, and take a Certificate, from the Clerk to be kept by Persons hiring them afterwards, &c.

Persons entertaining Servants, without such Certificate, forfeit 60 lb. Tob. per Day, to the Master.

Runaways forging or stealing Cer-

XXI. AND because poor People may not be destitute of Employment, upon Suspicion of being Servants, and Servants also kept from running away, *Be it Enacted, by the Authority aforesaid, and it is hereby Enacted*, That every Servant, when his or her Time of Service shall be expired, shall repair to the Court of the County where he or she served the last of his or her Time, and there, upon sufficient Testimony, have his or her Freedom entered; and a Certificate thereof from the Clerk of the said Court, shall be sufficient to authorize any Person to entertain or hire such Servant, without any Danger of this Law. And if it shall at any Time happen, that such Certificate is worn out, or lost, the said Clerk shall grant a new One, and therein also recite the Accident that happened to the old One. And whoever shall hire such Servant, shall take his or her Certificate, and keep it 'til the contracted Time shall be expired. And if any Person whatsoever, shall harbour or entertain any Servant by Importation, or by Contract, or Indenture made here, not having such Certificate, he or she so offending, shall pay to the Master or Owner of such Servant, Sixty Pounds of Tobacco for every Natural Day he or she shall so harbour or entertain such Runaway: To be recovered, with Costs, by Action of Debt, in any Court of Record within this Her Majesty's Colony and Dominion, wherein no Effoin, Protection, or Wager of Law, shall be allowed. And also, if any Runaway shall make Use of a forged Certificate, or after the same shall

shall be delivered to any Master or Mistress, upon being hired, shall steal the same away, and thereby procure Entertainment, the Person entertaining such Servant, upon such forged or stolen Certificate, shall not be culpable by this Law: But the said Runaway, besides making Reparation for the Loss of Time, and Charges in Recovery, and other Penalties by this Law directed, shall, for making Use of such forged or stolen Certificate, or for such Theft aforesaid, stand Two Hours in the Pillory, upon a Court Day: And the Person forging such Certificate, shall forfeit and pay Ten Pounds Current Money; One Half thereof to be to Her Majesty, her Heirs and Successors, for and towards the Support of this Government, and the contingent Charges thereof; and the other Half to the Master or Owner of such Servant, if he or she will inform or sue for the same, otherwise to the Informer: To be recovered, with Costs, by Action of Debt, Bill, Plaint, or Information, in any Court of Record in this Her Majesty's Colony and Dominion, wherein no Effoin, Protection, or Wager of Law, shall be allowed. And if any Person or Persons convict of forging such Certificate, shall not immediately pay the said Ten Pounds, and Costs, or give Security to do the same within Six Months, he or she so convict, shall receive, on his or her bare Back, Thirty Nine Lashes, well laid on, at the common Whipping-Post of the County; and shall be thence discharged of paying the said Ten Pounds, and Costs, and either of them.

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tificates, shall make Reparation by Service; and be pilloried Two Hours. And Persons forging a Certificate, shall forfeit 10 l. or 39 Lashes, &c.

XXII. PROVIDED, That when any Master or Mistress shall happen to hire a Runaway, upon a forged Certificate, and a Servant deny that he delivered any such Certificate, the *Onus Probandi* shall lie upon the Person hiring, who, upon Failure therein, shall be liable to the Fines and Penalties, for entertaining runaway Servants, without Certificate.

In Case a Runaway, hired upon a forged Certificate, denies the Delivery, &c. the *Onus Probandi* shall lie upon the Party hiring.

XXIII. AND for Encouragement of all Persons to take up Runaways, *Be it Enacted, by the Authority aforesaid, and it is hereby Enacted,* That for the Taking up of every Servant, or Slave, if Ten Miles, or above, from the House or Quarter where such Servant, or Slave was kept, there shall be allowed by the Public, as a Reward to the Taker up, Two Hundred Pounds of Tobacco; and if above Five Miles, and under Ten, One Hundred Pounds of Tobacco: Which said several Rewards of Two Hundred, and One Hundred Pounds of Tobacco, shall also be paid in the County where such Taker up shall reside, and shall be again levied, by the Public, upon the Master or Owner of such Runaway, for Reimbursement of the same to the Public. And for the greater Certainty in paying the said Rewards and Reimbursement of the Public, every Justice of Peace before whom such Runaway shall be brought, upon the Taking up, shall mention the proper Name and Surname of the Taker up, and the County of his or her Residence, together with the Time and Place of taking up the said Runaway; and shall also mention the Name of the said Runaway, and the proper Name and Surname of the Master or Owner of such Runaway, and the County of his or her Residence, together with the Distance of Miles, in the said Justice's Judgment, from the Place of taking up the said Runaway, to the House or Quarter where such Runaway was kept.

Persons taking up runaway Servants, or Slaves, shall have a Reward of 200 l. Tob. if taken up above 10 Miles from the Master's House, or Quarter; or 100 l. Tob. if above 5, and under 10 Miles. To be paid by the Public, & levied upon the Master, &c. but shall bring such Runaway before a Justice of Peace, and obtain Certificate, &c.

XXIV. PROVIDED, That when any Negroe, or other Runaway, that doth not speak *English*, and cannot, or through Obstinacy will not, declare the Name of his or her Master or Owner, that then it shall be sufficient for the said Justice to certify the same, instead of the Name of such Runaway, and the proper Name and Surname of his or her Master or Owner, and the County of his or her Residence and Distance of Miles, as aforesaid; and in such Case, shall, by his Warrant, order the said Runaway to be conveyed to the Public Goal, of this Country, there to be continued Prisoner until the Master or Owner shall be known; who, upon paying the Charges of the Imprisonment, or giving Caution to the Prison-keeper for the same, together with the

This Clause repeal'd by Ch. 4. 1726.

Reward

A. D. 1705.

Reward of Two Hundred, or One Hundred Pounds of Tobacco, as the Case shall be, shall have the said Runaway restored.

Justice of Peace shall commit Runaways to the next Constable, to be conveyed from Constable to Constable till delivered to the Master or Owner, or Goal-keeper, & to be whipt by every Constable, &c.
Duty of Constables.
Penalty on Failure, 200lb. Tobacco.

XXV. AND further, the said Justice of the Peace, when such Runaway shall be brought before him, shall, by his Warrant, commit the said Runaway to the next Constable, and therein also order him to give the said Runaway so many Lashes as the said Justice shall think fit, not exceeding the Number of Thirty Nine; and then to be conveyed from Constable to Constable, until the said Runaway shall be carried Home, or to the Country Goal, as aforesaid, every Constable through whose Hands the said Runaway shall pass, giving a Receipt at the Delivery; and every Constable failing to execute such Warrant according to the Tenor thereof, or refusing to give such Receipt, shall forfeit and pay Two Hundred Pounds of Tobacco to the Churchwardens of the Parish wherein such Failure shall be, for the Use of the Poor of the said Parish: To be recovered, with Costs, by Action of Debt, in any Court of Record in this her Majesty's Colony and Dominion, wherein no Essoin, Protection, or Wager of Law, shall be allowed, And such Corporal Punishment shall not deprive the Master or Owner of such Runaway of the other Satisfaction here in this Act appointed to be made upon such Servant's running away.

Method for transporting Runaways cross the Bay of Chesapeak.

Sheriff's Fee, 500lb. Tob.

XXVI. PROVIDED always, and be it further Enacted, That when any Servant or Slave, in his or her running away, shall have crossed the Great Bay of Chesapeak, and shall be brought before a Justice of the Peace, the said Justice shall, instead of committing such Runaway to the Constable, commit him or her to the Sheriff, who is hereby required to receive every such Runaway, according to such Warrant, and to cause him, her, or them, to be transported again cross the Bay, and delivered to a Constable there; and shall have, for all his Trouble and Charge herein, for every such Servant or Slave, Five Hundred Pounds of Tobacco, paid by the Public; which shall be reimbursed again by the Master or Owner of such Runaway, as aforesaid, in Manner aforesaid.

Such Runaways getting up into the Country shall be committed to a Constable, & deliver'd to the Sheriff.

XXVII. PROVIDED also, That when any Runaway Servant that shall have crossed the said Bay, shall get up into the Country, in any County distant from the Bay, that then, in such Case, the said Runaway shall be committed to a Constable, to be conveyed from Constable to Constable, until he shall be brought to a Sheriff of some County adjoining to the said Bay of Chesapeak; which Sheriff is also hereby required, upon such Warrant, to receive such Runaway, under the Rules and Conditions aforesaid, and cause him or her to be conveyed, as aforesaid; and shall have the Reward, as aforesaid.

Sheriffs, &c. suffering Runaways to work, forfeit 1000lb. Tobacco to the Owner.

XXVIII. AND for the better preventing of Delays in returning of such Runaways, Be it Enacted, That if any Sheriff, Under-Sheriff, or other Officer of, or belonging to the Sheriff, shall cause or suffer any such Runaway (so committed for Passage over the Bay) to work, the said Sheriff, to whom such Runaway shall be so committed, shall forfeit and pay to the Master or Owner of every such Servant or Slave, so put to Work, One Thousand Pounds of Tobacco: To be recovered, with Costs, by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this her Majesty's Colony and Dominion, wherein no Essoin, Protection, or Wager of Law, shall be allowed.

Officer liable upon an Escape.

XXIX. AND be it Enacted, by the Authority aforesaid, and it is hereby Enacted, That if any Constable, or Sheriff, into whose Hands a Runaway Servant or Slave shall be committed, by Virtue of this Act, shall suffer such Runaway to escape, the said Constable, or Sheriff shall be liable to the Action of the Party grieved, for Recovery of his Damages, at the Common Law, with Costs.

Runaway Servants shall repay all Charges, &c.

XXX. AND also be it Enacted, by the Authority aforesaid, and it is hereby Enacted, That every Runaway Servant, upon whose Account, either of the Rewards aforesaid shall be paid, for Taking up, shall, for every Hundred Pounds

Pounds of Tobacco so paid by the Master or Owner, serve his or her said Master or Owner, after his or her Time by Indenture, Custom, or former Order of Court, shall be expired, One Calendar Month and an Half; and moreover, shall serve double the Time such Servant shall be absent in such running away; and shall also make Reparation, by Service, to the said Master or Owner, for all necessary Disbursements and Charges, in Pursuit and Recovery of the said Runaway; to be adjudged and allowed in the County Court, after the Rate of One Year for Eight Hundred Pounds of Tobacco, and so proportionably for a greater or lesser Quantity.

A. D. 1705.
by Service, &
double the
Time of Ab-
sence.
County
Courts to al-
low & order
such Service.

XXXI. *PROVIDED*, That the Masters or Owners of such Runaways, shall carry them to Court the next Court held for the said County, after the Recovery of such Runaway, otherwise it shall be in the Breast of the Court to consider the Occasion of Delay, and to hear, or refuse the Claim, according to their Discretion, without Appeal, for the Refusal.

But Run-
ways shall be
bought be-
fore the Court
held next af-
ter their be-
ing retaken,
Vide. Ch. 4.

XXXII. *AND also be it Enacted, by the Authority aforesaid, and it is here-
by Enacted*, That no Master, Mistress, or Overseer of a Family, shall knowingly permit any Slave, not belonging to him or her, to be and remain upon his or her Plantation, above Four Hours, at any one Time, without the Leave of such Slave's Master, Mistress, or Overseer, on Penalty of One Hundred and Fifty Pounds of Tobacco to the Informer; cognizable by a Justice of the Peace of the County wherein such Offence shall be committed.

1723.
Masters or
Overseers per-
mitting any
Slaves but
their own, to
continue upon
the Plantation
above 4 Hours
forfeit 150*lb.*
Tobacco.

XXXIII. *PROVIDED also*, That if any Runaway Servant, adjudged to serve for the Charges of his or her Pursuit and Recovery, shall, at the Time, he or she is so adjudged, repay and satisfy, or give good Security before the Court, for Repayment and Satisfaction of the same, to his or her Master or Owner, within Six Months after, such Master or Owner shall be obliged to accept thereof, in Lieu of the Service given and allowed for such Charges and Disbursements.

Runaway
Servants pay-
ing or tend-
ring Security
for the Char-
ges of Reco-
very, &c.
shall not be
compell'd to
further Ser-
vice.

XXXIV. *AND* if any Slave resist his Master, or Owner, or other Person, by his or her Order, correcting such Slave, and shall happen to be killed in such Correction, it shall not be accounted Felony; but the Master, Owner, and every such other Person so giving Correction, shall be free and acquit of all Punishment and Accusation for the same, as if such Accident had never happened: And also, if any Negroe, Mulattoe, or Indian, Bond or Free, shall at any Time, lift his or her Hand, in Opposition against any Christian, not being Negroe, Mulattoe, or Indian, he or she so offending, shall, for every such Offence, proved by the Oath of the Party, receive on his or her bare Back, Thirty Lashes, well laid on; cognizable by a Justice of the Peace for that County wherein such Offence shall be committed.

Persons
killing their
Slaves under
Correction,
acquitted from
Prosecution.
But Negroes,
Mulattoes,
or Indians,
lifting their
Hands in Op-
position a-
gainst a Chris-
tian, not being
a Negroe, &c.
shall receive
30 Lashes.

XXXV. *AND also be it Enacted, by the Authority aforesaid, and it is here-
by Enacted*, That no Slave go armed with Gun, Sword, Club, Staff, or other Weapon, nor go from off the Plantation and Seat of Land where such Slave shall be appointed to live, without a Certificate of Leave in Writing, for so doing, from his or her Master, Mistress, or Overseer: And if any Slave shall be found offending herein, it shall be lawful for any Person or Persons to apprehend and deliver such Slave to the next Constable or Headborough, who is hereby enjoined and required, without further Order or Warrant, to give such Slave Twenty Lashes on his or her bare Back, well laid on, and so send him or her Home: And all Horses, Cattle, and Hogs, now belonging, or that hereafter shall be- long to any Slave, or of any Slave's Mark in this her Majesty's Colony and Do- minion, shall be seized and sold by the Churchwardens of the Parish, wherein such Horses, Cattle, or Hogs shall be, and the Profit thereof applied to the Use of the Poor of the said Parish: And also, if any Damage shall be hereafter committed by any Slave living at a Quarter where there is no Christian Overseer,

Slaves arm'd
with Gun,
Sword, &c. or
going off their
Owners Land,
without
Leave, may be
whipt, and
sent home.

Horses, &c.
belonging to
Slaves, may be
seized & sold
by Church-
wardens.

Owners of
Slaves living
at a Quarter,
without an
Overseer, li-
able for Tres-
pass, &c.

A. D. 1705. the Master or Owner of such Slave shall be liable to Action for the Trespass and Damage, as if the same had been done by him or herself.

Baptism of Slaves don't exempt them from Bondage: And Children shall be bond or free, according to their Mother's Condition.

2 Justices of Peace (Quorum unus) may issue Proclamation against outlying Slaves, to be published on a Sunday, at each Church or Chapel in the County, &c. & Slaves not returning home after such Publication, may be kill'd, &c.

But being apprehended by the Sheriff, &c. may be punish'd by Dismembering, &c.

Value of Slaves kill'd, in Pursuance of this Act, or executed by Law, shall be paid to the Owner, by the Public.

Courts of Claims to value Slaves executed, &c. in Money, and the Clerk to return Certificates of such Valuation to the Assembly. This Act shall be enter'd in the Register-Books of each Parish, & read in Churches, &c. by the Clerk, or Reader, the first Sundays in September and March, Annually, and at Court-houses,

XXXVI. AND also it is hereby Enacted and Declared, That Baptism of Slaves doth not exempt them from Bondage; and that all Children shall be bond or free, according to the Condition of their Mothers, and the particular Directions of this Act,

XXXVII. AND whereas, many Times, Slaves run away and ly out hid and lurking among Swamps, Woods, and other obscure Places, killing Hogs, and committing other Injuries to the Inhabitants of this her Majesty's Colony and Dominion, *Be it therefore Enacted, by the Authority aforesaid, and it is hereby Enacted,* That in all such Cases, upon Intelligence given of any Slaves lying out as aforesaid, any Two Justices (Quorum unus) of the Peace, of the County wherein such Slave is supposed to lurk or do Mischief, shall be and are empowered and required to issue Proclamation against all such Slaves, reciting their Names, and Owners Names, if they are known, and thereby requiring them, and every of them, forthwith to surrender themselves; and also empowering the Sheriff of the said County, to take such Power with him, as he shall think fit and necessary, for the effectual apprehending such outlying Slave or Slaves, and go in Search of them: Which Proclamation shall be published on a Sabbath-Day, at the Door of every Church or Chapel, in the said County, by the Parish-Clerk, or Reader of the Church, immediately after Divine Worship: And in Case any Slave, against whom Proclamation hath been thus issued, and once published at any Church or Chapel, as aforesaid, stay out, and do not immediately return home, it shall be lawful for any Person or Persons whatsoever, to kill and destroy such Slaves, by such Ways and Means as he, she, or they shall think fit, without Accusation or Impeachment of any Crime for the same: And if any Slave, that hath run away, and laid out as aforesaid, shall be apprehended by the Sheriff, or any other Person, upon the Application of the Owner of the said Slave, it shall and may be lawful for the County Court, to order such Punishment to the said Slave, either by Dismembering, or any another Way, not touching his Life, as they, in their Discretion, shall think fit, for the reclaiming any such incorrigible Slave, and terrifying others from the like Practices.

XXXVIII. PROVIDED always, and it is further Enacted, That for every Slave killed, in Pursuance of this Act, or put to Death by Law, the Master or Owner of such Slave, shall be paid by the Public.

XXXIX. AND to the End, the true Value of every Slave killed, or put to Death, as aforesaid, may be the better known; and by that Means, the Assembly the better enabled to make a suitable Allowance thereupon, *Be it Enacted,* That upon Application of the Master or Owner of any such Slave, to the Court appointed for Proof of public Claims, the said Court shall value the Slave in Money, and the Clerk of the Court shall return a Certificate thereof to the Assembly, with the Rest of the public Claims.

XL. AND for the better putting this Act in due Execution, and that no Servants or Slaves may have Pretence of Ignorance hereof, *Be it also Enacted,* That the Churchwardens of each Parish in this her Majesty's Colony and Dominion, at the Charge of the Parish, shall provide a true Copy of this Act, and cause Entry thereof to be made in the Register-Book of each Parish respectively; and that the Parish Clerk, or Reader of each Parish, shall, on the first Sermon Sundays in September and March, Annually, after Sermon or Divine Service is ended, at the Door of every Church or Chapel in their Parish, publish the same; and the Sheriff of each County shall, at the next Court held for the County, after the last Day of February, Yearly, publish this Act at the Door of the Court-house: And every Sheriff making Default herein, shall forfeit and pay Six

Hundred

Hundred Pounds of Tobacco; One Half to her Majesty, her Heirs and Successors, for and towards the Support of the Government; and the other Half to the Informer. And every Parish Clerk, or Reader; making Default herein, shall, for each Time so offending, forfeit and pay Six Hundred Pounds of Tobacco; one Half whereof to be to the Informer, and the other Half to the Poor of the Parish wherein such Omission shall be: To be recovered with Costs, by Action of Debt, Bill, Plaint, or Information, in any Court of Record within this her Majesty's Colony and Dominion, wherein no Effoin, Protection, or Wager of Law, shall be allowed.

A. D. 1705.
by the Sheriff,
in March, Pe-
nalty on She-
riffs failing,
600 lb. Tob.
and the same
on Parish
Clerks, or
Readers.

XLI. *AND* be it further Enacted, That all and every other Act and Acts, and every Clause and Article thereof, heretofore made, for so much thereof as relates to Servants and Slaves, or to any other Matter or Thing whatsoever, within the Purview of this Act, is, and are hereby repeal'd and made void, to all Intents and Purposes, as if the same had never been made.

All former
Laws relating
to Servants
and Slaves
repealed.

C H A P. IV.

An Act for amending the Act concerning Servants and Slaves; and for the further preventing the clandestine Transportation of Persons out of this Colony.

A. D. 1726.

*Repealed by act
of assembly passed
1753.*

I. **W**HEREAS, in, and by one Act of Assembly, made at a General Assembly, begun at the Capitol, the Twenty Third Day of October, in the Fourth Year of the Reign of our late Sovereign Lady Queen Anne, intituled, *An Act concerning Servants and Slaves*, it is amongst other Things provided, That when any Negroe, or other Runaway, that did not speak *English*, and could, or otherwise through Obstinacy would not declare the Name of his Master or Owner; that then it should be sufficient for the Justice to certify the same, instead of the Name of such Runaway, and the proper Name and Surname of his or her Master or Owner, and the County of his or Residence, and Distance of Miles, as in the said recited Act is set forth: And in such Case, should, by his Warrant, order the said Runaway to be conveyed to the Public Goal of this Country, there to be continued Prisoner, until the Master or Owner should be known; who, upon paying the Charges of the Imprisonment, or giving Caution to the Prison-Keeper for the same, together with the Reward of Two Hundred and One Hundred Pounds of Tobacco as the Case should be, should have the said Runaway restored.

Preamble.
Recital of 4
Anna, C. 50.

II. *AND* whereas, in Pursuance of the said recited Act many Runaways, whose Owners Names could not be known, have been sent to the Public Goal of this Country, although the said Owners, or their Overseers, have lived in the County, or near the Place where the said Runaways have been taken up; and it hath been found by Experience, that the said Clause in the said recited Act, hath proved very inconvenient: For Remedy thereof.

III. *BE* it Enacted, by the Lieutenant-Governor, Council, and Burgesses of this present General Assembly, and it is hereby Enacted, by the Authority of the same, That from and after the Publication of this Act, all and every Negroe, or other Person, who shall be taken up, and brought before any Justice of the Peace, and cannot speak *English*, or through Obstinacy will not declare the Name of his or her Owner, such Justice shall, in such Case, and he is hereby required, by Warrant under his Hand, to commit the said Negroe, Slave, or Runaway, to the Goal of the County wherein he or she shall be taken up; any former Act, Usage, or Custom, to the contrary, in any-wise, notwithstanding.

Runaways
taken up, &
not declaring
the Name of
their Owner,
to be commit-
ted, by Justi-
ces Warrant,
to the Coun-
ty Goal.

IV. *AND*

A. D. 1726,

Notice of
such Commit-
ment, & a De-
scription of
the Runaway
to be set up by
the Sheriff, at
the Court-
house, during
Two Months.

And by the
Clerk or Rea-
der to be pub-
lished at each
Church or
Chapel within
the County,
every Sunday.

Sheriff fail-
ing, forfeits
500 lb. Tob.

Clerk or
Reader fail-
ing, forfeits
200 lb. Tob.

How to be
recovered &
appropriated.

IV. *AND be it further Enacted, by the Authority aforesaid,* That the Sheriff, or Under-Sheriff of the County, to whose Custody the said Runaway shall be committed, shall forthwith cause Notice in Writing of such Commitment, to be set upon the Court-house Door of the said County, and there continued, during the Space of Two Months; in which Notice, a full Description of such Runaway, and his Cloathing, shall be particularly set down; and shall cause a Copy of such Notice to be sent to the Clerk or Reader of each Church or Chapel within his County: Every which said Clerk or Reader is hereby required to make Publication thereof, by setting up the same in some open and convenient Place near the said Church or Chapel, on every Lord's Day, during the Space of Two Months from the Date thereof. And every Sheriff failing to give such Notice as herein is directed, shall, forfeit and pay Five Hundred Pounds of Tobacco. And every Clerk or Reader failing to publish such Notice as is before directed, shall, for every such Offence, forfeit and pay Two Hundred Pounds of Tobacco: Which said several Forfeitures shall and may be recovered, with Costs, in any Court or Courts of Record in this Dominion, by Action of Debt, Bill, Plaint, or Information; wherein no Essoin, Privilege, or Protection, shall be allowed: The one Moiety whereof shall go to our Sovereign Lord the King, his Heirs and Successors, for and towards the better Support of this Government, and the contingent Charges thereof; and the other Moiety to the Person who shall sue for the same.

Runaway to
be committed
to the Public
Goal, if not
claimed by
the Owner
within Two
Months.

V. *AND be it further Enacted, by the Authority aforesaid,* That if within the said Space of Two Months, the Owner of any such Negroe, Slave, or Runaway, cannot be known, or doth not claim the same, that the Sheriff of the said County, to whose Custody such Runaway shall be committed, shall cause the said Runaway to be delivered to the next Constable, to be by him conveyed to the next Constable, and so from Constable to Constable, to the Public Goal of this Colony, after such Manner, and to receive such Punishment, as in the said first recited Act, is mentioned and directed.

VI. *BUT* whereas great Trouble is given to Constables in conducting Runaways, and a severe Penalty imposed on them, in Case such Negroe or Runaway makes his or her Escape, and no Reward allowed for their Trouble in performing the Services by the said recited Act directed.

Constables
exempted
from Payment
of Levies for
their own Per-
sons.

Ferry-Keep-
ers shall give
immediate
Passage to
Constables.

Ferriage of
Constables,
charged with
Runaways, to
be paid by
the County,

repaid by
the Public, &
levied upon
the Owner.

Keeper of the
Public Goal,
may, by Or-
der of Court,
hire out Run-
aways, whose
Owners are
unknown.

Money or
Tobacco ari-

VII. *BE it Enacted, by the Authority aforesaid,* That all and every the Constables within this Dominion, for their Encouragement to perform their Duty, be for the future exempted from the Payment of all Public, County, and Parish Levies, for their own Persons, during their Continuance in their Office. And that Keepers of Ferries within this Dominion, shall give immediate Passage to all Constables and their Assistants, charged with conducting any Runaway, either to the Public Goal, or to such Runaway's Master or Owner, without charging such Constables or Assistants for the Ferriage, either going or returning: but all such Ferriage of Constables and their Assistants, and of all Runaways, shall be paid by the County where such Ferry-Keepers respectively live, and shall be again repaid by the Public, and levied upon the respective Masters of such Runaways.

VIII. *AND be it further Enacted, by the Authority aforesaid,* That when any Negroe or Runaway, as aforesaid shall be delivered to the Keeper of the Public Goal of this Country, by Virtue of this Act, and his Master or Owner cannot be known, it shall and may be lawful for the Keeper of the said Goal, upon his Application to the General Court, or the nearest County Court to the said Goal, with the Consent of either of the said Courts, to let the said Negroe or Runaway to hire to any Person or Persons whom they shall approve of, for such Sum or Sums of Money, or Quantity of Tobacco, and for such Term or Time as they shall direct; and that out of the Money or Tobacco arising by such Hire, all

Fees

Fees relating to the Taking up, Imprisonment, and Conveying to Goal, and Charges of Maintaining such Negroe or Runaway, shall be first paid and discharged, and the Overplus (if any shall be) disposed of, as such Court or Courts (who shall order the said Negroe or Runaway to be let out to Hire) shall direct.

A. D. 1726.

fining by such Hire, how to be dispos'd of.

IX. *PROVIDED always*, That when the Owner of such Runaway shall demand the same, the Person to whom such Negroe or Runaway shall be let out to Hire, shall forthwith deliver the same into the Custody of the Keeper of the Public Goal; and shall then also pay the Hire, in Proportion to the Time the said Runaway hath served: And the Keeper of the said Goal shall deliver the said Runaway to his Master or Owner, he or she paying down all Fees and Charges of Taking up, Imprisonment, Conveying to Goal, and Maintaining such Runaway, in Case the Hire received for the Service of the said Runaway be not sufficient to satisfy the same.

Proviso, Runaways to be delivered up, on Demand of their Owners, and Payment of all Charges.

X. *PROVIDED also*, That when the Keeper of the said Public Goal shall, by the Direction of such Court or Courts, as aforesaid, let out any such Negroe, or Runaway to Hire to any Person or Persons whatsoever, the said Keeper shall, at the Time of his Delivery, cause a strong Iron Collar to be put on the Neck of such Negroe or Runaway, with the Letters P. G. stamped thereon; and that thereafter, the said Keeper shall not be answerable for any Escape of the said Negroe or Runaway.

Keeper of the Public Goal to put an Iron Collar on Runaways let to Hire. Then Keeper not answerable for Escape.

XI. *AND* whereas, the Fees for the Commitment, Maintaining, and Releasement of such Runaways, are not ascertained, and larger have been demanded by the Sheriffs and Goalers, than are reasonable,

XII. *BE it Enacted*, That from and after the Publication of this Act, the Fees and Allowances of the said Sheriffs and Goalers, be as follow; (that is to say,) For the Commitment of every such Negroe, or Runaway to any County Goal, the Sheriff shall be paid for his Fee, the Sum of One Shilling Current Money, or Ten Pounds of Tobacco; and for the Keeping and Maintaining him or her in Goal for every Twenty Four Hours, the Sum of Six Pence, or Five Pounds of Tobacco; and for his or her Releasement, One Shilling, or Ten Pounds of Tobacco: And that the Keeper of the Public Goal for the Commitment of every such Negroe or Runaway, shall be paid the Sum of Two Shillings Current Money, or Twenty Pounds of Tobacco; and for his or her Keeping and Maintaining in Goal, for every Twenty Four Hours, the Sum of Six Pence of like Money, or Five Pounds of Tobacco; and for his or her Releasement the Sum of Two Shillings of like Money, or Twenty Pounds of Tobacco, and no more. And if any Sheriff, in any County of this Dominion, or the Keeper of the Public Goal, shall demand or take any greater Fee or Allowance, than is hereby before appointed and allowed, for the Services and Maintainance aforesaid, or any of them, he or they so offending, shall, for every such Offence, forfeit and pay to the Party aggrieved, the Sum of Twenty Shillings; and shall also refund and pay back to such Party, all and every Sum of Money or Tobacco which such Sheriff or Goaler shall receive and take, over and above the Fees and Allowances herein before appointed: Which said Forfeiture of Twenty Shillings, shall and may be recovered before any Justice of the Peace of the County where such Offence shall be committed.

Prison Fees for Runaways.

In the County Goal.

In the Public Goal.

Sheriff or Goaler taking greater Fees, than allowed by this Act, forfeits 20s. to the Party aggrieved.

Recoverable, before a Justice of Peace.

XIII. *PROVIDED nevertheless*, That when any Negroe, or other Runaway, whose Master or Owner is, or shall be an Inhabitant of the Provinces of *Maryland*, or *Carolina*, shall be committed to the Prison of any County, or to the Public Goal of this Dominion, it shall and may be lawful, to and for the Sheriff of the County, or Keeper of the said Goal, to whose Custody such Negroe or Runaway shall be committed, to ask, demand, and receive, of such Master or Owner, the like Fees and Charges, for Taking up, Imprisonment, Commitment, Releasement, and Maintaining in Prison, as are or shall be de-

Exception: Sheriff or Goaler, may take for Runaways, belonging to *Maryland*, or *Carolina*, the like Fees, as are payable in those Provinces, by the

A. D. 1726.
Inhabitants of
Virginia.

mandable in the Province wherein such Master or Owner resides respectively, for the Taking up, Imprisonment, Commitment, Release, and Maintenance of Runaways taken up and committed there, belonging to the Inhabitants of Virginia; any Thing herein contained to the contrary, notwithstanding.

Keeper of the
Public Goal,
shall send a
Description of
Runaways,
belonging to
Maryland, or
Carolina, to
some Place
hereafter to
be appointed
by the Gover-
nors.

XIV. *AND be it further Enacted, by the Authority aforesaid, That when any Negroe, or other Runaway, whose Owner shall be, or suppos'd to be resident in Maryland, or Carolina, shall be committed to the Public Goal of this Colony, the Keeper of the said Goal, shall, by the first Opportunity after such Commitment, send a Description of such Negroe, or other Runaway, together with an Account of the Time of the Commitment, and the County from whence the Runaway was removed, to such particular Place or Places of this Dominion, bordering on the Provinces of Maryland, or Carolina respectively, as shall be agreed upon between his Majesty's Lieutenant-Governor, and the Governors and Commanders in Chief of the said respective Provinces; to the End, the Masters or Owners of such Runaways as shall happen to escape from those Provinces, may have timely Notice thereof.*

Commitment
and Release-
ment of Run-
aways let to
Hire, shall be
but once
charged.

XV. *PROVIDED, That when, at any Time hereafter, such Negroe or Runaway shall be let out to Hire, after the Manner before expressed herein, the Keeper of the said Public Goal be not allowed any more than one Fee for the Commitment, and the same for the Release of such Negroe or Runaway.*

Fees for Run-
aways dying
in the Public
Goal, shall be
defray'd by
the Public.

XVI. *AND be it further Enacted, That where any such Negroe or Runaway shall be committed to the Public Goal of the County, by Virtue of this Act, whose Owners cannot be known, as aforesaid, and shall happen to die there; in such Case, all Charges of the Taking up, Keeping, and Maintaining the said Negroe or Runaway in Goal, and all other Charges relating thereto, shall be defrayed by the Public.*

C. 12. 1752.

XVII. *AND whereas, the Act of Assembly of this Colony, intituled, An Act to prevent the clandestine Transportation or Carrying of Persons in Debt, Servants, or Slaves, out of this Colony, hath not been found effectual to obtain the Ends thereby intended; but many Persons in Debt, Servants, and Slaves, have been clandestinely conveyed out of this Colony: For preventing whereof,*

Masters of
Ships to make
Oath not to
transport any
Person with-
out a Pass.

XVIII. *BE it Enacted, by the Authority aforesaid, That every Master of a Ship or Vessel shall, at the Time of his Clearing, and before he shall be cleared out hence, before the Officers of the Customs, in the Port where the Ship or Vessel rides, taking the Oath following:*

The Oath.

I A. B. Master of the Ship (or Vessel,) C. do swear, That I will make diligent Enquiry and Search in my said Ship (or Vessel,) and will not knowingly or willingly carry, or suffer to be carried, in my said Ship, out of this Dominion, without such Pass as is directed by Law, any Person or Persons whatsoever, that I shall know to be removing hence, in order to deceive their Creditors; nor any Servant or Slave, that is not attending his or her Master or Owner, or sent by such Master or Owner.

Officers of
the Customs
to administer
the Oath.

Which Oath the said Officers of the Customs are hereby impowered and required to administer.

Taking the
Oath, shall not
discharge the
Master from
any Penalties
to which he is
liable, by 4
Ann. C. 12.
Any Person

XIX. *PROVIDED always, That the Taking the said Oath, shall not discharge the Master of any such Ship or Vessel, from any of the Penalties to which he is liable, by the said last recited Act.*

XX. *AND be it further Enacted, by the Authority aforesaid, That if any Person or Persons (other than Servants) shall forge or counterfeit any Pass, in*

in order to procure a Transportation out of this Colony; such Person or Persons so forging or counterfeiting the same, shall forfeit and pay Ten Pounds Current Money: one Half whereof shall be to his Majesty, his Heirs and Successors, for and towards the Support of this Government, and the contingent Charges thereof; and the other Half to the Informer: To be recovered, with Costs, in any Court of Record within this Dominion. And if any Servant shall forge or counterfeit any such Pass, or make use of the same, knowing it to be such, in order to obtain a Transportation, or to escape out of this Colony, either by Sea or Land, he, she, or they, so offending, shall stand in the Pillory, upon a Court Day, at the Court-house of the County, where he or she shall be convicted, for the Space of Two Hours, and receive Thirty Lashes, well laid on, at the Public Whipping-Post of the said County.

A. D. 1726.
forging a Pass, forfeits 10 l.
One Moiety to the King, the other to the Informer.
Servants forging a Pass, shall stand in the Pillory 2 Hours, and receive 30 Lashes.

XXI. *AND be it further Enacted*, That whatsoever white Servant shall run away, and at, or after his or her Departure, shall change his or her Name, or usual Habit, or otherwise disguise him or herself, with Intent thereby to escape, being discovered, on Proof made of such Deceit, every such Runaway shall be adjudged to serve his or her Master or Mistress, for the Space of Six Months, over and above all other Service due for running away.

Servants running away, and changing Name or Habit, shall serve 6 Months.

XXII. *AND* whereas, many Abuses have been committed by Persons, who, under Pretence of understanding several Trades and Mysteries, have procured large Sums of Money to be advanced to them, and have entered into Covenants with Merchants, and others, in *Great-Britain*, for the Payment of large Wages, Yearly, though they were totally ignorant of, and unable to perform such Trades and Mysteries: For Remedy whereof;

For preventing Abuses practised by pretended Tradesmen.

XXIII. *BE it Enacted*, That all and every Person or Persons already imported, or who shall be imported into this Colony, as a Tradesman, or Workman, on Wages, and shall be found not to understand such Trade or Employment, the Master or Owner of such Servant, may bring him or her to any County Court of this Colony; which Court, upon Complaint to them made of such Deceit, are hereby impowered and directed to enquire into the same, and upon finding any such Fraud, may adjudge and direct such Satisfaction to be made to the Master or Owner of such Servant, either by Defalcation of the Wages, or Part thereof, or by ordering such further Time of Service for the Money advanced, as to them shall seem just.

Servants imported as Tradesmen, and found ignorant, shall make such Satisfaction to the Master as the County Court shall order.

XXIV. *AND be it further Enacted*, That if any Person who is or shall be imported into this Colony, as a Tradesman, or other Workman, on Wages, shall refuse or neglect to perform his Duty, or shall absent himself from his Master's Service, without Leave; in every such Case, it shall and may be lawful for the Justices of the County Court wherein such Master resides, upon Complaint and Proof to them made, to order such Satisfaction and Reparation to the Master or Owner of such Servant, for the Damages sustained by him, for such Refusal or Neglect, as to them shall seem just: And for every Day such Servant shall absent himself from his said Master's Service, as aforesaid, to order and direct such Servant to serve his said Master or Owner, Two Days for every Day's Absence, after his Time, by Indenture or former Order of Court, is expired; and that without any Wages to be paid for such Service.

Servants on Wages, refusing to work, shall be liable for Damages sustained by the Master.

And for every Day's Absence, shall serve 2 Days without Wages.

A. D. 1736.

C H A P. IV.

An Act for obliging Apprentices to serve the Time they shall be bound by Indentures, notwithstanding their Infancy.

Recital.

I. **W**HEREAS the taking of Apprentices, and bringing them up, and instructing them to be skilful in the Trades, Arts, Mifteries, or Occupations, to which they are bound, will be very beneficial to such Apprentices, and increase the Number of Artificers in this Colony.

Apprentice bound, with the Approbation of any Court of Record, shall be obliged to serve the Time mentioned in the Indenture.

II. *BE it Enacted, by the Lieutenant-Governor, Council, and Burgeses of this present General Assembly, and it is hereby Enacted, by the Authority of the same, That every Person who, at any Time or Times hereafter, shall be bound by Indenture, to serve as an Apprentice in any Trade, Art, Miftery, or Occupation, with the Consent and Approbation of any Court of Record within this Colony, altho' such Person shall be within the Age of Twenty One Years, at the Time of the making his Indenture, shall be obliged to serve the full Time in such Indenture contained, as amply and largely, to every Intent, as if the said Apprentice were of full Age at the Time of making the same; any Law, Usage, or Custom, to the contrary, notwithstanding.*

C H A P. XLVI.

A. D. 1705.

Vid. Chap. 1. 1730.

An Act for Improving the Staple of Tobacco; and for Regulating the Size and Tare of Tobacco Hogsheads.

Persons tending Seconds, forfeit 500 lb. Tob. for every Tithable on the Plantation.

I. **B**E it Enacted, by the Governor, Council, and Burgeses, of this present General Assembly, and it is hereby Enacted, and Declared, by the Authority of the same, That all Tending of Seconds, for Tobacco, is hereby forbid: And that whosoever shall tend, or cause or suffer to be tended any Seconds, shall forfeit and pay Five Hundred Pounds of Tobacco for every tithable Person he shall have or employ that Year, upon the Plantation where the Seconds shall grow.

And Overseers liable to the like Penalty.

II. *PROVIDED*, That where any Person or Persons, shall entrust his or their Plantation or Plantations, and the Servants and Slaves thereon to the Management of an Overseer, being a Free Man, the Owner of such Plantation, Servants, and Slaves, shall not be liable to Prosecution, for any Breach of this Act: But such Overseer, tending, or causing or suffering to be tended, any Seconds, shall incur the said Penalty of Five Hundred Pounds of Tobacco, for every tithable Person that shall be employed that Year, upon the Plantation under his Charge, where such Seconds shall grow, as aforesaid.

Persons exposing to Sale, or tendering Tobacco false packed, and mixed with Stones, Dirt, Sand, Stalks, Stems, Seconds, Ground Leaves, or other Trash, forfeit 1000 lb. Tobacco per Hoghead.

III. *AND be it also Enacted, by the Authority aforesaid, and it is hereby Enacted*, That whosoever shall hereafter pack, or cause to be packed, any Hoghead of Tobacco, they pack or cause the same to be packed fairly, and without Deceit, and equally good throughout, as it appears at the Head. And that if any Person or Persons whatsoever, shall pay away, or put to Sale, or offer to pay away, or put to Sale, any Hoghead of Tobacco, which he hath deceitfully, or hath caused or suffered to be deceitfully packed, by putting therein any Stones, or intermingling therewith any Dirt, Sand, Tobacco Stalks, Stems, Seconds, Ground Leaves, or other Trash whatsoever, shall forfeit, for every Hoghead so deceitfully packed, One Thousand Pounds of Tobacco.

IV. *AND*

A. D. 1705.

IV. *AND be it also Enacted, by the Authority aforesaid, and it is hereby Enacted,* That when any Complaint or Information shall be made, or Suit brought, to any Court, concerning the false Packing of a Hoghead of Tobacco, the Court shall forthwith appoint Two or Three Men, who are reputed to be skilful Planters, to search and view the said Hoghead of Tobacco; and to make Report, upon Oath, to the Court, how they find the same; and whether, in their Opinion, it be fairly packed, as this Act directs: And their Report therein, shall be admitted as good Evidence at the Trial.

Upon Information, or Suit brought, the Court shall appoint Viewers, upon Oath.

V. *PROVIDED,* That Five Pounds Weight, and no more, be allowed in one Hoghead, for Sand, Dust, and mean Tobacco, (to wit,) such Tobacco as is not passable by itself, without better joined with it.

5 lb. Weight per Hoghead. to be allowed for Sand, Dirt, & mean Tob.

VI. *AND be it also Enacted, by the Authority aforesaid, and it is hereby Enacted,* That if any Creditor shall omit to demand or receive a Tobacco Debt, by the last Day of *January*, it shall be lawful for the Debtor, at any Time in *February*, to apply himself to Two Justices of the Peace of the County, to make a Tender of the Tobacco he owes, according to the Tenor of the Specialty or Bargain by which it appears due: Which said Two Justices shall be and are hereby empowered and required to appoint, without Delay, Three honest and able Men of the Neighbourhood, on their Oaths, to view the Tobacco; and if they find it merchantable, and packed, fairly according to the Directions of this Act, they shall weigh and mark the same, for the Use of the Creditor, on whose Account and Hazard it shall thereafter lie. And upon producing Certificate from the said Justices, of the said Tender, to the next County Court, and that the Tobacco is found good, and fairly packed, as the Law directs, the said Court is hereby authorised and empowered, by their Order, to discharge the Debtor from his said Debt.

Creditor failing to demand or receive his Tobacco, before 31 *January*, the Debtor may, at any Time, in *February*, make a Tender before 2 Justices, who shall appoint 3 Viewers, upon Oath, to weigh and mark the Tobacco (if by them found merchantable) for the Creditor, and the Debtor producing Certificate thereof to the next County Court, shall be discharged.

VII. *PROVIDED,* The said Tender was made in Place according to Specialty: And *Provided,* That the said Debtor still endeavours to secure and preserve the said Tobacco as before the Tender, and as it were still his own.

But Tender shall be made according to Specialty, and the Debtor shall preserve the Tob. as his own, and defray the Charge of the Tender. Viewer to have 20 lb. Tob. per Day.

VIII. *AND be it Enacted, by the Authority aforesaid, and it is hereby Enacted,* That the Debtor making Tender, as aforesaid, shall bear and defray the Charge accruing thereby: And that each Viewer shall be allowed Twenty Pounds of Tobacco per Day.

IX. *AND also be it Enacted, by the Authority aforesaid, and it is hereby Enacted,* That every Tobacco Hoghead, in which Tobacco shall be packed, paid away, or put to Sale, shall be made of dry and well seasoned Timber, and which hath been hewed Three Months at least before the setting up; and shall be set up in strong and substantial Hoops; the Stave shall be in Length Forty Eight Inches, and no more, and at least One Third of an Inch in Thickness, on the thinnest Edge thereof; the Size of the Head on the Inside shall be Thirty Inches in Diameter, and no more.

Tobacco Casks shall be made of dry well season'd Timber, the Staves 48 Inches long, & $\frac{1}{2}$ of an Inch thick on the thinnest Edge, and the inside of the Hoghead 30 Inches Diameter.

X. *AND be it Enacted, by the Authority aforesaid, and it is hereby Enacted,* That all and every Cooper and Coopers, or other Persons intending to set up Tobacco Hogheads, do go before a Justice of the Peace of the County where he dwells, and make Oath, That he shall not willingly or wittingly set up any Tobacco Hogheads of a larger Size than is herein directed: And also to tare, or cause to be tared, with a Marking-Iron, or Branding-Iron, every Tobacco Hoghead that by him shall be set up, with the true Weight thereof, on the Bulge and Head of the Hoghead; together with the first Letter of his proper Name and Surname: And shall take a Certificate from the said Justices, of such Oath so made. And if any Person or Persons shall employ any Negroe, Mul-

Coopers shall be sworn before a Justice.

The Oath.

And take Certificate.

Persons employing their Servants or

A. D. 1705.
Slaves in making Tobacco Casks, shall also make Oath and take Certificate.

lattoe, or other Servant, in making Tobacco Hogsheads, such Employer shall go before a Justice of the Peace for the County where he or she dwells, and make Oath, That he or she so employing the said Negroe, Mulattoe, or other Servant, shall not willingly or wittingly, suffer or permit any Tobacco Hogsheads to be set up for them, of a larger Size than is herein directed; but shall use their utmost Endeavours to prevent the same: And also, that what Hogsheads by such Negroe, Mulattoe, or other Servant, shall be made or set up for him or her, shall be tared, and the Two first Letters of his or her proper Name and Surname set thereon, in Manner aforesaid: And shall also take a Certificate from the said Justice, of such Oath made.

Coopers, &c. setting up, &c. Tobacco Casks, contrary to this Act, or before Oath made, & Certificate obtained, forfeit 500 lb. Tob. for every Cask.

Fines appropriated.

XI. AND be it further Enacted, by the Authority aforesaid, and it is hereby Enacted, That if any Cooper, Coopers, or any other Person or Persons, set up Tobacco Cask, contrary to this Act; or shall pay away, put to Sale, or put, or cause to be put on Board any Boat, Sloop, Ship, or other Vessel, in order to Exportation, any Tobacco whatsoever, packed in Cask of a greater Size than is herein before expressed and set down; or that is made of less seasoned Timber or Staves, thinner than before directed; or that is not tared with their just Weight, as before in this Act is enjoined; or shall presume to set the Tare upon any Hogshead, before Oath made, and a Certificate obtained, as aforesaid; such Cooper or Coopers, or other Person or Persons, if Free, and if not, the Employer shall, for every Tobacco Hogshead so made, paid away, put to Sale, or shipped, forfeit and pay the Sum of Five Hundred Pounds of Tobacco; One Moiety of all the Fines and Forfeitures in this Act before mentioned, shall be to our Sovereign Lady the Queen, her Heirs and Successors, for and towards the better Support of this Government, and the contingent Charges thereof; and the other Moiety to him or them that will sue or inform for the same: To be recovered, with Costs, by Action of Debt, Bill, Complaint, or Information, in any Court of Record in this her Majesty's Colony and Dominion, wherein no Essoin, Protection, or Wager of Law, shall be allowed.

Allowance to be made for the Increase of Weight of Tob. Hogsheads by the Moisture of the Tobacco or Weather

Buyers of Tobacco shall receive Hogsheads, at the Tare set on the Casks, & allow 30 lb. Tob. for the Hogshead, altho' the Tob. be due by Specialty, to be paid in Cask, on Penalty of 150 lb. Tob.

But this shall not extend to Rents, &c. where the Cask is reserved.

XII. PROVIDED always, That every Justice of the Peace before whom Complaint of the Breach of this Act shall be brought, shall be and is hereby impowered to consider what any Tobacco Hogshead, after it hath lain some Time packed, may, by the Moisture of the Tobacco, or Weather, increase in Weight; and give Judgment accordingly.

XIII. AND also be it Enacted, by the Authority aforesaid, and it is hereby Enacted, That the Buyer or Receiver of Tobacco in Cask, shall receive and take the same at the Tare thereon set, and allow Thirty Pounds of Tobacco for each Hogshead, notwithstanding any Bill, Bond, or Contract, expressing the same, to be paid with Cask; on Penalty of One Hundred and Fifty Pounds of Tobacco, payable to the Informer; and recoverable, with Costs, upon Complaint before any Justice of the Peace of the County.

XIV. PROVIDED, That neither this Act, nor any Thing therein contained, shall be construed to extend to Contracts, Grants, Rents, or Reservations of Cask, with the Tobacco upon Leases, for Lands; but that the Cask shall and may be paid, received, demanded, sued for, and recovered, according to the Conditions, Contracts, Grants, and Reservations of the Rents, upon such Leases.

Nor to Persons shipping their own Tobacco in Casks of lawful Size, tho' not tared, &c.

XV. PROVIDED also, That this Act, nor any Thing herein contained, shall be construed or intended to restrain or prohibit any Person or Persons from freighting or shipping of their own Tobacco in Hogsheads of a lawful Size, although the Hogsheads be not tared, nor any Oath made thereto, according to this Act, the Freighter or Freighters, Owner or Owners of the said Tobacco, neither directly nor indirectly exposing the same to Sale in the Country.

XVI. PRO-

XVI. *PROVIDED* always, That the Sheriffs and Collectors of public Dues, shall allow, for all Public Tobaccos paid in Hogheads to the Payer thereof, Eight *per Cent.* for Cask, instead of the Thirty Pounds of Tobacco per Hoghead, it being so raised in the public Proportions, as hath of a long Time been accustomed; any thing in this Act to the contrary, in any-wise, notwithstanding.

A. D. 1705.

Collectors of Public Dues, shall allow 8 *per Cent.* for Cask, in Lieu of 30 lb. Tob. for such Dues paid in Hogheads.

XVII. *AND* be it further Enacted, by the Authority aforesaid, That all and every Act and Acts, and every Clause and Article thereof, heretofore made, for so much thereof as relates to improving the Staple of Tobacco, and Regulating the Size and Tare of Tobacco Hogheads, is and are hereby Repealed, and made void, to all Intents and Purposes, as if the same had never been made.

All former Laws relating to Tob. &c. repealed.

This Act was confirmed by the Queen, in Council, Anno 1707.

C H A P. V.

A. D. 1720.

An Act for the more effectual preventing the Tending of Seconds.

I. **W**HEREAS the tending and making of Seconds, is greatly prejudicial to the Staple of Tobacco, and the Laws made for preventing thereof, have been evaded, and the Penalties therein given against Persons who shall be convicted of tending Seconds, are found insufficient to restrain Persons from such undue Practices: For remedying which Inconveniencies for the future, and more effectual preventing the same,

Preamble,

II. *BE* it Enacted by the Lieutenant-Governor, Council, and Burgeses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same, That from and after the Publication of this Act, whosoever shall weed, top, hill, succour, house, cure, strip or pack any Seconds, Suckers, or Slips of Tobacco, or cause or suffer the same to be done, on, or upon any Plantation, shall, for every such Offence, forfeit and pay, over and above the Penalties laid on such Persons who shall tend, or suffer to be tended, any Seconds, the further Sum of Five Hundred Pounds of Tobacco, for every Person who was employed on any such Plantation where the said Seconds, Suckers, or Slips shall grow in that Year.

Persons tending Seconds, Suckers, or Slips, &c. forfeit 500 l. Tobacco for every Tithable employ'd in the Crop, &c. besides all other Penalties.

III. *AND* be it further Enacted, by the Authority aforesaid, and it is hereby Enacted, That the Master or Owner of every Plantation (whereon any Tobacco shall for the future be tended) shall and do cut up and destroy, or cause, or procure to be cut up and destroyed, all Stalks, Roots, and Suckers, from which any Plant shall be cut, in every Year, within Twenty Days after the cutting off the said Plant or Plants: and that every such Master or Owner, who shall refuse or neglect so to do, shall forfeit and pay the Sum of Two Hundred Pounds of Tobacco, for every Person above the Age of Seven Years, who shall dwell, reside, or work, on any such Plantation, in every of the said Years, when such Offence shall be committed.

Owners of Plantations shall destroy Stalks, Roots, & Suckers, in 20 Days after cutting off the Plants, on Penalty of 200 l. Tob. for every Person above 7 Years of Age, residing on the Plantation.

IV. *PROVIDED*, That where any Person or Persons, shall intrust his or their Plantation, or Plantations, and the Servants and Slaves thereon, to the Management of an Overseer, being a Freeman, the Owner of such Plantation, Servants and Slaves, shall not be liable to Prosecution for any Breaches of this Act: But such Overseer who shall weed, top, hill, succour, house, cure, strip, or pack any Seconds, Suckers, or Slips of Tobacco, or cause, or suffer the same to be done, or who shall neglect to cut up and destroy all Stalks, Roots, and Suckers from which any Plant shall be cut, in every Year, within the said Space of Twenty Days after the cutting off the said Plant or Plants, shall incur the several

Overseers liable to the like Penalty, for Breach of this Act.

veral

A. D. 1720.

veral Penalties by this Act inflicted upon the Masters or Owners of the said Plantations, for the several Offences afore-mentioned.

Penalties ap-
propriated.

V. *AND be it further Enacted, by the Authority aforesaid, That One Moiety of the several Fines or Forfeitures, in this Act before mentioned, shall be to our Sovereign Lord the King, his Heirs and Successors, for and towards the better Support of this Government, and the contingent Charges thereof; and the other Moiety to him or them, that will sue or inform for the same: To be recovered with Costs, by Action of Debt, Bill, Complaint, or Information, in any Court of Record in this his Majesty's Colony and Dominion, wherein no Effoin, Protection, or Wager of Law shall be allowed, or any more than one Imparlance.*

How to be
recovered.

This Act to
be read by the
Sheriff, at the
Court-House
of each Coun-
ty, in June &
July Courts,
Annually, on
Penalty of
500 lb. Tob.

VI. *AND be it further Enacted, by the Authority aforesaid, That this Act shall be twice every Year publicly read, at the Court-house of each County, by the Sheriff, or his Deputy; that is to say; On the Days for holding the Courts in the Months of June or July, respectively, under the Penalty of Five Hundred Pounds of Tobacco, for every Omission or Neglect: To be recovered and disposed of in like Manner, as the other Penalties herein before-mentioned.*

C H A P. I.

A. D. 1730.

An Act for repealing the Act for the better and more effectual improving the Staple of Tobacco: And for the better Execution of the Laws now in Force against tending Seconds; and for the further Prevention thereof.

Preamble.

I. **W**HEREAS, at a General Assembly begun and held at the Capitol, the First Day of February, in the First Year of his Majesty's Reign, an Act was made, intituled, *An Act for the better and more effectual improving the Staple of Tobacco*; which Act is found by Experience to be inconvenient:

Repealing
Clause.

II. *BE it therefore Enacted, by the Lieutenant-Governor, Council, and Burgeses of this present General Assembly, and it is hereby Enacted, by the Authority of the same, That the said Act, intituled, An Act for the better and more effectual improving the Staple of Tobacco, and every Clause, Matter, and Thing therein contained, shall be, and is hereby repealed, and made null and void to all Intents and Purposes whatsoever.*

Against tend-
ing Seconds.

Constables
to view all
Fields of To-
bacco, be-
tween the
last Day of
July & 10th
of August.
Owner or
Overseer shall
cut up all
Slips & Suck-
ers above the
Height of 9
Inches from
the Ground;
otherwise the
Constable
shall do it.
Penalty upon
Persons refu-
sing to shew
all their Fields
of Tobacco.

III. *AND for the better Execution of the Laws now in Force against tending Seconds, and for the further Prevention thereof: Be it Enacted by the Authority aforesaid, That every Constable within this Colony, shall Yearly, between the last Day of July, and the Tenth Day of August, and between the Twentieth Day of August, and the Tenth Day of September, and at such other Times as any Constable shall think proper, repair to all the several Fields and Places whereon Tobacco shall be planted or tended, within their respective Precincts, and diligently view the same, in order to discover whether any Slips or Suckers shall be turned out, or tended from the Stalks from which any Tobacco-Plant hath been before cut or taken, above the Height of Nine Inches from the Ground. And if any Constable shall find or discover any such Slips or Suckers growing upon any Plantation within his Precinct, and the Owner or Overseer of such Plantation, being thereunto required, shall refuse or fail to cut up and destroy such Slips and Suckers, such Constable is hereby impowered and required to cut up and destroy, or cause the same to be cut up and destroyed. And if any Owner or Overseer shall refuse to shew to such Constable, all such Fields and Places on his or her Plantation or Plantations, where Tobacco hath been planted or tended in any Year, every Owner or Overseer so refusing, shall forfeit and*

pay

pay Five Hundred Pounds of Tobacco, for every Person employed in making Tobacco on his or her Plantation or Plantations that Year. And if any Constable shall turn out or tend any such Slips or Suckers, upon his Plantation or Plantations, or shall neglect to cut up or destroy the same, such Constable so offending, shall forfeit and pay Five Hundred Pounds of Tobacco, for every Person employed in making Tobacco on such Plantation or Plantations that Year.

A. D. 1730.

Penalty upon Constables tending Seconds.

IV. AND all Constables shall take an Oath before some Justice of the Peace of the County wherein they respectively reside; which Oath the said Justice is hereby impowered and required to administer, in the Words following, viz.

Constables to take an Oath.

I A. B. do swear, That I will diligently and carefully view the several Fields and Places whereon Tobacco shall be planted or tended, within the Precincts whereof I am Constable; and will cut up and destroy, or cause to be cut up and destroyed, all Stalks from which any Tobacco-Plant shall be cut or taken, and all Slips or Suckers growing from or out of the same, which I shall find standing or growing in any of the Fields or Places aforesaid, above the Height of Nine Inches from the Ground: And that I will make Information of all Persons within my said Precinct, whom I shall know to be guilty of the Breach of any Law of this Colony made against the Tending of Slips or Seconds, to the next Court held for my County, after the same shall come to my Knowledge.

The Oath.

So help me God.

V. AND be it further Enacted, by the Authority aforesaid, That if any Constable shall refuse or fail to take such Oath, or shall knowingly allow any Person whatsoever, within his Precinct, to tend any Seconds, Slips, or Suckers, each Constable so offending, shall forfeit and pay One Thousand Pounds of Tobacco.

Penalty upon Constables not doing their Duty.

VI. AND for Encouraging the Constables to perform their Duties herein, Be it further Enacted, That there shall be levied on every Tithable Person in each County, One Pound of Tobacco; to be distributed to the respective Constables, in Proportion to the Number of Tithables in their respective Precincts: Which said Levy of One Pound of Tobacco per Poll, the Court of each County within this Colony, is hereby impowered and required to make; and the Sheriff, or other Collector of the County Levy, to pay to the several Constables to whom the same shall be due; and for every Hundred of Tobacco-Stalks which shall have any Sucker or Slip growing thereon, of the Height of Nine Inches from the Ground, which any Constable shall cut up and destroy, there shall be paid to such Constable, by the Owner of such Tobacco-Stalks, or his or her Overseer, Twenty Pounds of Tobacco, and so proportionably for a lesser Quantity: To be recovered, with Costs, before any Justice of the Peace of the County wherein the said Tobacco-Stalks shall be so cut up and destroyed.

Their Allowance.

VII. AND be it further Enacted, by the Authority aforesaid, That the Court of every County within this Colony, upon the Information of any Constable, to them made, against any Person or Persons, for the Breach of this Act, or of any other Act of Assembly of this Colony, made against the Tending of Slips or Seconds, shall order and direct the Attorney appointed to prosecute in such Court for his Majesty, to bring Suit against such Person or Persons, for the respective Forfeitures by them incurred, by the Breach of any of the said Acts.

Courts to order Prosecutions upon Informations made by Constables.

VIII. AND be it further Enacted, by the Authority aforesaid, That all Fines and Forfeitures herein before mentioned, and not otherwise appropriated, shall be One Half to our Sovereign Lord the King, his Heirs and Successors, for and to the Use of the Parish wherein such Offence shall be committed, and the other Half to the Person or Persons who shall inform, and sue for the same: And may be recovered, with Costs, in any Court or Courts of Record within

Penalties appropriated.

within this Colony, by Action of Debt, Bill, Complaint, or Information; except the Forfeiture in this Act mentioned, cognizable before a Justice of the Place.

C H A P. IX.

A. D. 1736.

An Act to prevent Cutting up Tobacco-Suckers.

Recital.

I. **W**HEREAS, at a General Assembly, begun and held at the Capitol, the Twenty First Day of May, in the Third Year of his Majesty's Reign, an Act was made, *for Repealing the Act, for the better and more effectual Improving the Staple of Tobacco; and for the better Execution of the Laws now in Force against Tending Seconds; and for the further Prevention thereof*; which, among other Things doth require, That where the Constables in their Perambulations directed by the said Act, shall find or discover any Slips or Suckers, growing upon any Plantation, above the Height of Nine Inches, and the Owner or Overseer shall refuse to cut up and destroy them, the Constables shall cause the same to be cut up and destroyed: Which has been very inconvenient, in destroying a very good Manure, and impoverishing the Land of the Planters of Tobacco:

Repeal of part of the former Act.

II. *BE it therefore Enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same, That so much of the said Act, and the Oath therein directed to be taken by the Constables, so far as the same doth direct the cutting up of Slips and Suckers which are not turned out and tended, in order to make Seconds, be and is hereby Repealed, and made Void. And that no Planter shall hereafter be obliged to cut up the Suckers growing naturally from the Root or Stalk of any Tobacco-Plants that shall have been cut down.*

Constables to be sworn.

III. *AND, for the better Direction of the Justices, and Constables, in their respective Duties, Be it Enacted, That every Constable shall take an Oath, before some Justice of the Peace of the County wherein he or they respectively reside (which Oath the said Justice is hereby impowered and required to administer) in the Words following, viz.*

The Oath.

I A. B. do swear, That I will diligently and carefully view the several Fields and Places whereon Tobacco shall be planted and tended within the Precinct whereof I am Constable; and will make true Information of all Persons within my said Precinct, whom I shall know to be guilty of the Breach of any Law of this Colony, made against Tending of Slips or Seconds, to the next Court held for my County, after the same shall come to my Knowledge. So help me God.

The Reward.

IV. *AND, every Constable performing his Duty, according to the Directions of this and the before-recited Act, so far as the same is in Force, and unrepealed, shall have and receive the like Encouragement as in and by the said recited Act is directed and prescribed.*

But not to be levied, if they neglect their Duty; But they shall be subject to a Penalty.

V. *PROVIDED nevertheless, That the Justices shall not levy any Tobacco for the Constables, if it shall appear to them that they have not made their Perambulations, and done their Duty, according to the true Intent and Meaning of the said Act. And if any Constable shall refuse to take upon him the Duty directed by the said Act, or taking the Oath herein before directed, shall neglect his Duty, he shall forfeit One Thousand Pounds of Tobacco; one Moiety to His Majesty, his Heirs and Successors, for and towards the Support of the Government, and the Contingent Charges thereof; and the other Moiety to the Informer: To be recovered by Action of Debt, in any Court of Record in this Colony.*

C H A P. XXIX.

A. D. 1705.

An Act for laying an Imposition upon Skins and Furrs; for the better Support of the College of William and Mary, in Virginia.

I. **B**E it Enacted, by the Governor, Council, and Burgeses, of this present General Assembly, and it is hereby Enacted, by the Authority of the same, That there shall be satisfied and paid, to her Majesty, her Heirs and Successors, for and towards the better Support and Maintainance of the College of William and Mary, in Virginia, the following Duties, Customs and Imposts, for the following Goods, Wares and Merchandizes, which shall be exported and carried out of this her Majesty's Dominion, either by Land or Water: (That is to say,)

Duties on Skins appropriated to the Maintenance of the College of William & Mary

FOR every raw Hide, Three Pence: For every tann'd Hide, Six Pence: For every drest Buck-skin, One Penny Three Farthings: For every undrest Buck-skin, One Penny: For every Doe-skin drest, One Penny Half Penny: For every undrest Doe-skin, Three Farthings: For every Pound of Bever, Three Pence: For every Otter-skin, Two Pence: For every wild Cat-skin, One Penny Half Penny: For every Mink-skin, One Penny: For every Fox-skin, One Penny Half Penny: For every Dozen of Raccoon-skins, Three Pence, and so proportionably for a greater or lesser Quantity: For every Dozen of Musk-rat-skins, Two Pence, and so proportionably for a greater or lesser Quantity: And, for every Elk-skin, Four Pence Half Penny.

What the Duties are.

II. *AND* be it Enacted, That the said Duties, Customs, and Imposts, shall be paid and satisfied, by the Person or Persons exporting or carrying out the same, either by Land or Water, to the Collector or Collectors, which shall be appointed by the Governor, or Commander in Chief, for the Time being, with the Advice of the Council, to receive the said Duties, Customs, and Impost, before the said Goods, Wares, and Merchandizes shall be shipped off, exported, or carried out of and from this Dominion, either by Land or by Water; and a Certificate thereof obtained from the Collector or Collectors of the District where such Goods, Wares and Merchandizes shall be so exported or carried away, signifying the Payment and Satisfaction of such Duties, Customs, and Impost, as aforesaid; under the Penalty of forfeiting such of the Goods, Wares, and Merchandizes, which shall be shipped off, or loaden on Board of any Boat, Sloop, Ship, or other Vessel, in order to the Exportation thereof by Water, or endeavoured to be carried out of this Country by Land: The one Moiety thereof to Her Majesty, her Heirs and Successors, to and for the better Support of the Government, and the Contingent Charges thereof; and the other Moiety to him or them that shall sue or prosecute for the same, in any Court of Record within this Colony: To be recovered, with Costs, by Action of Debt, Bill, Plaint, or Information, wherein no Effoin, Protection, or Wager of Law, shall be allowed.

The Duties shall be paid to the Collectors appointed by Governor and Council, before the Goods are shipped off, by the Exporter, who shall take a Certificate from the Collectors, on Penalty of forfeiting the Goods shipped, &c.

III. *AND* be it further Enacted, That the several Collectors, or Officers, appointed to collect and receive the said Duties, Customs, and Imposts, shall, from Time to Time, be accountable and pay the same to the Governors of the said College of William and Mary, or such other Person or Persons as shall be by them lawfully deputed: And that for the Receiving and Paying thereof, the said Collector or Collectors shall be allowed Six per Cent.

Collectors shall account with the Governors of the College, and shall be allowed 6 per Cent.

IV. *AND* be it further Enacted, That all and every other Act and Acts, and every Clause and Article thereof, heretofore made, for so much thereof as relates to any Matter or Thing whatsoever, within the Purview of this Act, is, and are hereby Repealed, and made void, to all Intents and Purposes, as if the same had never been made.

All former Laws relating to any Matter within this Act, repeal'd.

C H A P.

A. D. 1734.

C H A P. XV.

An Act for the better Support and Encouragement of the College of William and Mary, in Virginia.

Preamble.

I. **W**HEREAS the College of *William and Mary*, in *Virginia*, consisting of a President, Six Masters, or Professors, and One Hundred Scholars, more or less, Graduates, or Non-Graduates, founded and endowed by *William and Mary*, of blessed Memory, late King and Queen of *England*, &c. by their Royal Charter, under the Great Seal of *England*, bearing Date at *Westminster*, the Eighth Day of *February*, in the Fourth Year of their Reign, and since encouraged and supported by several other Gifts and Donations, hath, of late, been much injured in its Revenues, by divers Frauds and Abuses, particularly in the Exportation of Tobacco from hence, to other *British* Plantations, in *America*, without paying the Duty of One Penny per Pound, imposed by a Statute of the Parliament of *England*, made in the Twenty Fifth Year of the Reign of King *Charles* the Second, which was granted by the said Royal Charter, among other Things, to certain Trustees therein appointed, for Erecting, Building, and Founding the said College, and since transferred by the Survivors of them pursuant to the Charter, to the said President and Masters; and in the Exportation of Skins and Furs, without paying the several Duties imposed by an Act of the General Assembly, of the Fourth Year of the Reign of the late Queen *Anne*, for the better Support of the said College: So that, by the Deficiency of those Revenues, which fall short of the Annual Expence of the College, about One Hundred and Fifty Pounds per Annum, it is fallen much in Debt, and that must increase, when the Edifices and Buildings thereunto belonging shall require Repairs, which must necessarily be expected.

No Goods to be shipp'd to the Plantations, without Oath to the Contents of the Packages.

II. **AND** forasmuch as the Supporting and Encouraging so hopeful a Work, is of the greatest Importance to the People of this Colony, for the Advancement of Learning, and the good Education of their Youth, wherein we have already seen some good Effects, *Be it Enacted, by the Lieutenant-Governor, Council, and Burgesses of this present General Assembly, and by the Authority of the same*, That from henceforth, if any Person shall ship on Board any Ship, or other Vessel, bound to any of the *British* Plantations, in *America*, any Goods, Merchandizes, or Commodities whatsoever, such Person shall, either before the same shall be shipped, or within Five Days after, make Oath, before some Justice of the Peace of the County where he lives, to the several Parcels or Packages of such Goods, Merchandize, or Commodities so shipp'd, and the Contents thereof, and that no Tobacco is contained therein; or if any Tobacco shall be packed in such Parcels, he shall make Oath to the true Quantity; upon Pain of forfeiting all such Goods, Merchandize, and Commodities, or the Value thereof: And the Justice of Peace, before whom such Oath shall be made, shall certify the same under his Hand; and such Certificate shall be delivered to the Master of the Ship or Vessel, who shall deliver the same to the Naval Officer of the District, at the Time of his Clearing: And no Naval Officer shall clear any such Ship or Vessel, until such Certificate be produced; and a Copy of such Certificate shall, by the Naval Officer, be delivered, or sent, to the Collector of the Duty of a Penny per Pound, in the same District, before Clearing. And any Person making a false Oath in the Premises, and being thereof lawfully convicted, shall suffer as for Perjury in a Court of Record, by the Laws of *England*.

The Duty of the Naval Officer.

Penalty on making a false Oath.

Masters of Ships shall make Oath to the Quantity of Tobacco on Board.

III. **AND** be it further Enacted, That every Master of any Ship or Vessel, or other Person Clearing or concerned in Loading any Ship, or Vessel, going to any *British* Plantation, in *America*, before his Clearing, shall make Oath, before the Naval Officer of the District, to the Quantity of Tobacco he hath on

on Board, if he hath any, or that he hath no Tobacco, and will take none on Board without paying the Duty; a Copy of which Oath, such Naval Officer shall transmit to the Collector of the Customs, of the Port whither such Ship, or Vessel shall be bound: And any Person making a false Oath therein, and being thereof lawfully convicted, shall suffer as for Perjury in a Court of Record, by the Laws of *England*.

A. D. 1734

The Duty of the Naval Officer.

Penalty on making a false Oath.

IV. *PROVIDED* always, That nothing herein contained, shall be construed, deemed, or taken to alter, change, or infringe, the Powers, Privileges, or Allowances, of the several Collectors of the said Duty of One Penny per Pound, appointed, or to be appointed by the Commissioners of his Majesty's Customs in *Great-Britain*, for the Time being, pursuant to the Act of Parliament, made in the Twenty Fifth Year of the Reign of King *Charles* the Second, for the Collecting, Levying, and Receiving, the said Duty, or Penalties therein mentioned.

Not to affect the Collectors appointed by Act of Parliament, 25 Car. 2.

V. *AND* to the End no Tobacco may be carried into the Province of *North-Carolina*, in order to be exported from thence, which is of late much practised, without paying the Duty in either Colony, *Be it further Enacted*, That if any Person shall carry any Tobacco into the said Province, without paying the said Duty of One Penny per Pound, the Owner thereof shall forfeit the Value of such Tobacco.

No Tobacco to be carried to *North-Carolina*, without paying the Duty.

VI. *AND* for preventing Frauds in the Exportation of Skins and Furrs, *Be it further Enacted*, That no Skins or Furrs shall be hereafter packed, in order to be shipped off, with any other Thing; and every Person intending to export any Skins or Furrs, before the same shall be shipped, shall make Oath before some Justice of the Peace of the County where he lives, to the several Parcels or Packages intended to be shipped, and the Numbers of Skins and Furrs, and the Kinds thereof, and Pounds of Beaver, if any, therein contained; and that no other Thing is packed therein: Which Oath shall be certified as aforesaid, and the Certificate shall be delivered by the Master of the Ship, or Vessel, wherein the same shall be shipped, before his Clearing, to the Naval Officer; who shall receive of the Owner of such Skins and Furrs, the several Duties by the said Act imposed, and, without distinguishing between Buck and Doe Skins, shall account all Deer Skins, so shipped, to be One Third Buck, and Two Thirds Doe Skins.

Skins and Furrs not to be pack'd with other Things.

Oath to be made to the Quantity, and a Certificate obtained.

What Duty payable for Deer-Skins.

VII. *AND* to the End the said Duties upon Skins and Furrs may not be defrauded, by the Carrying the same by Land or Water, into *Maryland*, *Pennsylvania*, or *North-Carolina*, which is very easy, and much practised by many People, not only to the impoverishing the College, but to the great Diminution of the Trade of this Colony, *Be it further Enacted*, That where any Person or Persons shall be hereafter found travelling upon the Frontiers, with any Skins or Furrs, it shall be lawful for any Justice of the Peace, Sheriff, or Constable, of the County where such Person shall be found, to seize such Skins and Furrs; unless the Person or Persons carrying the same, shall produce a Certificate under the Hand of a Justice of the Peace in this County, That he is an Inhabitant of the Colony: And moreover, shall make Oath, That he will not carry the said Skins or Furrs, or cause the same to be carried, into any other Colony or Province, without paying the said Duties. And in Case any Skins or Furrs shall be hereafter seized, by Virtue of this Act, One Moiety thereof shall be forfeited to the Person seizing the same, and the other Moiety to the King, his Heirs and Successors, for the better Support of the College of *William* and *Mary*, in *Virginia*.

Skins and Furrs in the Possession of Travellers, may be seized.

VIII. *AND* *be it further Enacted*, That where any Hides, Skins, or Furrs, shall be exported, either by Land or Water, contrary to this or the said former Act, the Owner shall forfeit the Value thereof: And that one Moiety of all the Penalties herein inflicted, and not otherwise disposed of, shall be to the King, his Heirs and Successors, for the better Support of the College of *William* and

Forfeiture of the Value, on Exportation.

A. D. 1734 and *Mary*, in *Virginia*, and the other Moiety to the Informer; to be recovered, with Costs, by Action of Debt, or Information, in any Court of Record, within this Dominion.

The whole
Duty of 1 d.
per Gallon,
appropriated
to the Use of
the College,
after 25 Octob.
1735.

Under the
Direction of
the Visitors
and Govern-
ors.

IX. AND to the End the said President and Masters may not depend altogether upon the Provisions herein made, for the Improvement of their Revenues, which may be perhaps still precarious, but may receive a more certain Relief, *Be it further Enacted*, That after the Twenty Fifth Day of *October*, in the Year of our Lord One Thousand Seven Hundred and Thirty Five, the whole Duty of One Penny, for every Gallon of Rum, Brandy, and other distilled Spirits, and of Wine, imported, laid by one Act of the General Assembly, made at a Session held in the Twelfth Year of the Reign of the late King *George* the First, to continue for Twenty One Years, out of which, Two Hundred Pounds *per Annum*, was appropriated for the Relief of the said College, be given to the said President, and Masters, and their Successors, for the Residue of the said Term; and shall be applied and disposed of, to such good Uses, for the better Support of the College, as by the Visitors and Governors of the College, or the greater Part of them, shall from Time to Time be directed, and appointed; so as some Part thereof shall be laid out and applied for Buying such Books, for the Use of the Scholars and Students, in the College, as the said Visitors and Governors, or the greater Part of them, shall think most necessary; and such Books, so to be bought, shall be marked thus, *The Gift of the General Assembly of Virginia, in the Year 1734*, and shall for ever be preserved and kept in the Public Library of the said College.

President,
&c. not to
pay Levies.

X. AND be it further Enacted, That the President, Masters, Scholars, and Students, of the College of *William* and *Mary*, in *Virginia*, and all the Domestic Servants belonging to the College, be from henceforth exempted from being listed as Tithables, in the County of *James-City*, and from paying any Public, County, or Parish Levies, for ever.

A. D. 1744

C H A P. IX.

An Act for amending an Act, intituled, An Act for laying an Imposition upon Skins and Furrs, for the better Support of the College of William and Mary, in Virginia.

Preamble.

I. **W**HEREAS by an Act of Assembly, made in the Fourth Year of the Reign of Queen *Anne*, intituled, *An Act for laying an Imposition upon Skins and Furrs, for the better Support of the College of William and Mary, in Virginia*, a Duty of Three Pence upon every raw Hide, and Six Pence upon every tanned Hide, exported, or carried out of this Colony by Land or Water, was laid, and appropriated to the Use of the said College; which was confirmed by another Act, passed in the Eighth Year of his present Majesty's Reign, intituled, *An Act for the better Support and Encouragement of the College of William and Mary, in Virginia*: And whereas the Revenue arising by the said Duty upon Hides, has, by Experience, been found insufficient to answer the Purposes for which the same was laid, and disproportionate to the real Value of such Hides:

Duty of 2 s.
6 d. for every
raw Hide and
5 s. for every
tanned Hide,
exported, to
be paid by the
Owner or Ex-
porter.

II. *BE it therefore Enacted, by the Lieutenant-Governor, Council, and Bur-
geses, of this present General Assembly, and it is hereby Enacted, by the Authority
of the same*, That from and after the passing of this Act, One other Duty or
Custom of Two Shillings and Six Pence for every raw Hide, and Five Shillings
for every tanned Hide, exported, or carried out of this Colony by Water or by
Land, to any Port or Place whatsoever, shall be paid, by the Owner or Ex-
porter thereof; to be entered, collected, paid, and accounted for, in the same
Manner, and under the same Penalties, and appropriated to the same Uses, as
the Duties upon Skins and Furrs are, by the said recited Acts, directed to be
collected, entered, paid, accounted for, and appropriated.



